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SPEECHES AND WRITINGS

OF THE HONOURABLE

SIR PHEROZESHAH M. MEHTA, K.C.I.E.

WITH AN INTRODUCTION

BY

DINSHA EDULJI WACHA

EDITED BY

C. Y. CHINTAMANI,

EDITOR OF "INDIAN SOCIAL REFORM."

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Mr. Dadabhai Naoroji.

To

Dadabhai Naoroji, Esquire,

The "Grand Old Man" of India,

The Greatest of Indian Patriots,

The Most Selfless of Men and Stainless of Gentlemen,

As a Humble Token

of the

Editor's Love & Reverence.

PREFACE.

THE Honourable Sir Pherozeshah Merwanjee Mehta, K.C.I.E., M.A., Barrister-at-law, occupies a foremost position among the worthiest of our public men by reason alike of commanding talents and disinterested patriotism. His speeches and writings, which have always attracted considerable attention, are admired no less for their literary charm than for the soundness of his opinions,—closely argued, expressed in earnest language and breathing conviction in every syllable. Sir Pherozeshah's public life began so early as in 1867, and during the long space of time that has elapsed since then there has not been any important problem, local, provincial or imperial, in the discussion of which he has not taken a conspicuous part. What a large part he has played in the public life of his city, province and country, is evident from his many speeches as well as his varied and numerous contributions to the Press; which are now presented to the world in this volume. It would be presumption on my part to pass an opinion on the character of Sir Pherozeshah's pronouncements on public questions. Nor is it at all necessary, as there have never been two opinions among our countrymen in regard to their great literary and political value. This, however, I venture to say without the least fear of contradiction—that, as they are now made available to the public in a permanent form, they will be found of surpassing usefulness to every student of Indian public questions in the future. I may even go farther and claim for Sir Pherozeshah's speeches and writings that the Indian statesman and administrator who wishes to acquire a firm grasp of the right principles of Indian govern-

ment and administration and who has the honourable (alas! so rare) ambition to keep himself *au courant* with the thoughts, opinions and wishes of Educated India will find an invaluable guide in the following pages.

Eloquence, though a bad master, is a singularly useful servant of a public man. The orator who is fascinated with the sound of his own voice and 'inebriated with the exuberance of his own verbosity' is a familiar enough figure in this as in other countries. Sir Pherozeshah Mehta is not of this redundant species. Possessing in full measure what has been called the divine gift of eloquence, our Congress Knight never allows mere flatulent rhetoric to do service for arguments or facts. Otherwise, he would not be the wonderful debater he has been universally admitted to be. What has been said of the oratory of Gladstone is applicable to Sir Pherozeshah Mehta as well: 'There was a lively imagination, which enabled him to relieve even dull matter by pleasing figures, together with a large command of quotations and illustrations. There were powers of sarcasm, powers, however, which he rarely used, preferring the summer lightning of banter to the thunderbolts of invective. There was admirable lucidity and accuracy in exposition. There was art in the disposition and marshalling of his arguments, and finally—a gift now almost lost in England—there was a delightful variety and grace of appropriate gesture. But above and beyond everything else which enthralled the listener, there stood out four qualities. Two of them were merits of substance—inventiveness and elevation; two were merits of delivery—force in the manner, expressive modulation in the voice.'* It is equally true, if not truer still, that in our country no one shows such swift resourcefulness in debate. Writes

* James Bryce, *Studies in Contemporary Biography*, p, 430, etc.

Mr. Bryce of Gladstone:—'His readiness, not only at catching a point, but at making the most of it on a moment's notice, was amazing. * * * Never was he seen at a loss either to meet a new point raised by an adversary or to make the best of an unexpected incident. Sometimes he would amuse himself by drawing a cheer or a contradiction from his opponents, and would then suddenly turn round and use this hasty expression of their opinion as the basis for a fresh argument of his own. Loving conflict, he loved debate, and, so far from being confused or worried by the strain conflict put upon him, his physical health was strengthened and his faculties were roused to higher efficiency by having to prepare and deliver a great speech.' Who can gainsay that the same high qualities in nearly as rich measure distinguish Sir Pherozeshah as a debater? And it is also true of him, what Mr. Bryce says of Gladstone, that 'the dignity and spontaneity which marked the substance of his speeches was no less conspicuous in their delivery. Nothing could be more easy and graceful than his manner on ordinary occasions, nothing more grave and stately than it became when he was making a ceremonial reference to some public event or bestowing a meed of praise on the departed.'

In the very able and interesting Introduction with which he has kindly favoured this collection, my dear and honoured friend and leader, Mr. Dinsha Edulji Wacha, reviews at some length Sir Pherozeshah Mehta's distinguished and eventful public life. I will not make any detailed allusion to it here. I may, however, be permitted just to indicate how comprehensive and representative his career has been, how many were the high and responsible positions our eminent countryman has worthily and honourably filled, equally to his own credit

and to the advantage of the public. Even a bare enumeration of them is instructive. Sir Pherozeshah has been a member of the Bombay Corporation during a period of more than thirty-five years, and been thrice elected its President. And when the history of local self-government in India comes to be written, it will undoubtedly be recorded that he is the greatest member of whom any municipal corporation in the whole country could ever boast. He has similarly taken an active part in the work of the Bombay University, of which he is so distinguished an *alumnus* and so sagacious and wise a Fellow, and he was the most stalwart colleague of the late Mr. Justice Ranade in fighting the educational battles of his Presidency in the University Senate. He has been a member of the Bombay Legislative Council for a period of fifteen years, and was on the Imperial Council for about three years, and must stand alone as having achieved the proud distinction of being the greatest of the Indian members of the Legislative Councils of India. Sir Pherozeshah Mehta was one of the founders and first secretaries, and has for more than ten years been President of the Bombay Presidency Association; he is President of the Bombay Graduates' Association; he was President of the Fifth Bombay Provincial Conference and of the Sixth Indian National Congress, of which he was one of the founders; he was Chairman of two Reception Committees of the Congress at Bombay; and he has filled many other positions too numerous to be mentioned. He has served the Motherland ably and faithfully for the best part of a life-time, and has his reward in the respect and affection with which he is looked upon as their greatest leader by a host of admirers all over the country; which, next after the approbation of his own conscience, is the greatest prize a public man may aspire to.

I count it a piece of singular good fortune that Mr. Dadabhai Naoroji has kindly permitted me to inscribe this volume to him. While to millions of his countrymen Mr. Naoroji is a sacred personality, our dear and and venerable Grand Old Man has from the first inspired in me a very peculiar affection and reverence and I am almost proud to think that his gracious name is associated with a work with which I have had something to do. There is, besides, a peculiar propriety in the dedication of Sir Pherozeshah Mehta's Speeches and Writings to him. Not only that Sir Pherozeshah came early under the influence of that mastermind, when in London in the sixties of the last century preparing himself to join the Bar: he and Mr. Naoroji as well as Mr. Wacha belong to the same religious persuasion. In one of his papers printed in this collection Sir Pherozeshah Mehta incidentally refers to India as the land 'which helped us (the Parsee community) in our hour of need, which gave us kindly hospitality in our exile and which has given us shelter and nourishment for 1,200 years.'* The Parsees have more than discharged any obligation India may have placed them under, and made her their debtor instead. Some of the brightest ornaments of the Indian nation have been owned by the Parsee community;—industrial captains, merchant-princes and philanthropists like the first Sir Jamsetjee Jeejeebhoy and the late Mr. J. N. Tata, and political leaders like Mr. Dadabhai Naoroji, Sir Pherozeshah Mehta and Mr. D. E. Wacha. These three greatest of Parsee political leaders and patriots are animated by the same lofty ideals and have laboured with the same great ability and noble disinterestedness for the greater glory of the Motherland and the greater happiness of her children. It may

* 'The Retrospect,' p. 279 of the text.

accordingly be reckoned a happy coincidence that both Messrs. Dadabhai and Wacha are associated with this humble effort at bringing together some of the more notable utterances of their distinguished colleague and co-religionist. I am glad to be able to present to the readers the likenesses of the illustrious trio.

My grateful thanks are due to Sir Pherozeshah Mehta for the kind permission he has accorded to me for bringing out this publication. And I am deeply indebted to our much esteemed countryman, Mr. Wacha, who has placed me under great obligation by many acts of personal kindness and affection, for the valuable Introduction he has contributed at my request. To great natural ability and unrivalled knowledge of facts on nearly all subjects of Indian politics and economics—in which respect he may be regarded as the Sir Charles Dilke of India —Mr. Wacha adds the advantage of lifelong friendship with Sir Pherozeshah. The two patriots have been so closely and inseparably associated in almost their whole public activity that the appreciation of Sir Pherozeshah with which the volume opens cannot but derive peculiar force and authority from its authorship. I feel that the Introduction certainly enhances the value of this collection.

My talented friend, Mr. M. Venkanna Pantulu, of the Maharajah's College, Vizianagram, has earned my thanks by laboriously setting himself to prepare the very useful analytical Index which is appended at the end of the work. Perhaps it will not be amiss to say here of my friend, that he is an unusually well-read man,—a literary recluse I call him—who because of his habit of 'keeping himself to himself', is not known to the public as he deserves to be.

I must not omit to mention either my acknowledgments to Mr. Sorabji Bomanji Munshi, assistant secre-

tary of the Bombay Presidency Association, who has taken much pains to supply me with much of the material brought together in this volume.

C. Y. CHINTAMANI.

Benares, 27th October, 1905.

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Mr. DINSHA EDULJEE WACHA.

INTRODUCTION.

IT may be said with truth that at no time in its history has British India boasted of a more brilliant group of men of marked ability, great enlightenment and culture, keen political sagacity and sterling patriotism than the one to be witnessed at present. There is not a province of the Empire, old or new, which does not possess such men. It is a remarkable circumstance of which our rulers may as well be proud. For in reality these men are the rich product of their own vivifying civilisation of the West and that beneficent policy of high education which the broad and liberal-minded statesmanship of the past half a century and upwards introduced into this ancient country. Their names are well-known. They are in everybody's mouth. Wherever you direct your footsteps, north or south, east or west, you hear of them. Among these names there is none which is held in greater reverence and esteem than that of Mr. Dadabhai Naoroji, now a veteran counting eighty summers. Rich and poor, educated and uneducated, men, women and children, all alike are familiar with it as they are familiar with their household gods. Its very pronouncement lends a charm to the ear and sends a thrill of patriotic delight through the heart. A thousand blessings are poured forth on his devoted head, even by millions who have never seen him, this 'Grand Old Man of India,' who carries on his robust back, without a murmur, the proud burden of solid work unobtrusively achieved during the long and eventful period of sixty years. Mr. Dadabhai still devotes himself, most unsparingly and unselfishly, to the service

of his country in London, his adopted land, with a faith which is as unbounded as it is hopeful and with an energy which is so phenomenal as to put to shame many a younger person than himself.

If, however, there be one Indian more than another who by common consent has been recognized as standing next only to Mr. Dadabhai, it is the Honourable Sir Pherozeshah M. Mehta, K.C.I.E. The former works six thousand miles away, feeling convinced that after all it is the citadel, at the very heart and centre of the British Empire, which has to be stormed and captured, the citadel of vested interests and monopoly, of ignorance and prejudice, and above all of an autocratic authority. The latter works in the country itself, next door, so to say, of the actual governing authorities, but with equal disinterestedness, faith and sagacity. It is only by means of work in these two different directions by men of such recognised worth that any material progress is possible of achievement. The British electorate needs to be well-educated and thoroughly aroused as to the condition of India. It is only by persistent agitation carried on in England that that important object could be fulfilled. The average elector has to be instructed as to the true feelings and sentiments of the Indian people and their wants and wishes. This function Mr. Dadabhai, assisted by good English friends, specially Sir William Wedderburn, is discharging most nobly, at sublime personal sacrifice; while leaders of native thought in India, under the sagacious and practical leadership of Sir Pherozeshah, are equally discharging their respective functions and from time to time as occasion offers, rivetting the attention of the governing authorities on the many just and crying grievances of their countrymen, now in their respective Provincial Legislative

Councils, now in the Viceregal Legislative Council, sometimes from the platforms of public meetings, and annually from that of the different Provincial Conferences and the Indian National Congress.

Thus it will be evident the combined influence exerted in this two-fold manner on the rulers of the land here and in London. As a consequence, it has come to be universally recognized that so far as the Indian part of the work is concerned, there is none to-day to influence the Government at Calcutta in so marked a manner, with infinite sagacity, judicious discrimination, and ability as Sir Pherozeshah M. Mehta. In the rank of distinguished Indians of light and leading it is conceded that there could be found no better leader for the arduous and responsible work. Thus it is that by universal consent Sir Pherozeshah has come to enjoy the hegemony among his collaborateurs. He is pointed out with pride as the foremost leader in India. Like the distinguished Mr. Dadabhai he has strenuously devoted full thirty-five years of his active life to public work uninterruptedly and unselfishly. Though his contemporaries are fully aware of this work, it is needful and important that the rising generation, which is just entering on the active life of citizens, as well as the younger persons at our seminaries and colleges, should become fully cognisant of it. A record of it is essential in order that these may not only know and appreciate it but be able to understand the nature of the leadership.

The record is there, but all scattered. It may be read in his numerous papers and speeches, commencing from the very year that he launched himself into the public life of the country. But these scattered speeches and utterances needed the enthusiasm and assiduity of some admirer to collect and compile them in a compact and

readable volume. Indeed the want of such a collection, well arranged and carefully discriminated, has been felt for some time past. The more that Sir Pherozeshah's past and present activity in the public life of India, in all its important ramifications, has come to be recognized and appreciated, the greater is the wish expressed to have his utterances collected in a permanent form. Sir Pherozeshah himself had often been requested by friends to undertake the work himself; but his innate modesty has always shrunk from compliance with their earnest wish. It is, therefore, lucky, indeed, that at last an enthusiastic and appreciative admirer has had the leisure, the enthusiasm, and the assiduity to undertake the work. And the Indian public will, no doubt, feel grateful to Mr. C. Y. Chintamani, the able and accomplished editor of that vigorous and well-conducted journal the *Indian People*, published at Allahabad, for having accomplished his self-imposed labour of love.

It is no light work to sift the growing mass of the various speeches, on divers topics, small and great, made by Sir Pherozeshah since 1867, and select therefrom all that may be considered to be of permanent value. Mr. Chintamani had had to wade through a vast quantity of printed matter, to winnow it and gather therefrom the golden grain. That he has admirably succeeded in presenting a readable and most instructive volume goes without saying. It is no exaggeration to say that he has left nothing to be desired; and so far he has acquitted himself of his labour of love with credit. The compilation will be admitted on all hands to be a valuable record of the solid and useful work accomplished by a talented son of India during the best portion of his life-time. It is the life-work of a person who has all through held before him a high ideal of Duty—the duty

of rendering to his countrymen such good, however little, as it may lie in his power and ability. This life-work will be a stimulus to many of the rising generation to follow the good example of such a noble worker.

To the careful reader of the speeches it will be abundantly clear that though Sir Pherozeshah has spoken on a variety of topics of the highest pith and moment—on Imperial problems of a far-reaching character, on intricate pieces of legislation, equally far-reaching in their effects, on provincial administration in many of its important ramifications, on University and Municipal constitution and reform—each and all bear on their very face his own individuality, apprising us of a mind highly cultivated and attuned to take a broad and comprehensive survey of the divers problems presented for public discussion from time to time, fully prepared to seize the salient features thereof, and turn to view their correct aspect and argue out the principal points logically and incisively so as to carry conviction home. But the speeches tell even something more. They give ample evidence of mastery of language at once polished, vigorous and manly. The perspicacity of thought, the elegant diction and the other specialities which lend no little charm and grace to style, reveal the eloquent speaker; while the apposite anecdotes, the historical and other allusions, the telling comparisons, interspersed with raillery, light banter, and gentle satire, proclaim the ready and effective debater. Manner and matter alike impress us. They have so impressed many a distinguished Englishman who has heard him on some platform or another. They have felt and expressed themselves admiringly, observing that Sir Pherozeshah possesses gifts of no ordinary character. If the speeches read well, it is superfluous to say they enliven hearers even more.

They are doubly entertaining and impressive. So eloquent and practised a Parliamentary speaker as the late Mr. Bradlaugh was charmed at the magnificent deliverance of Sir Pherozeshah at the Congress of 1889 held in Bombay at which Sir William Wedderburn presided, and equally charmed was Sir Henry Cotton, the President, with the address he delivered at the last Congress held in Bombay as the Chairman of the Reception Committee. Hundreds on hundreds have no doubt heard him in the Council Chamber, Imperial and Provincial, in the hall of the University and the Bombay Municipal Corporation; and thousands upon thousands have heard him at one time or another from the platform of the Congress, at Calcutta and Bombay, Madras, Allahabad, and Ahmedabad. They all must bear ample testimony to the fact just stated. Though never specially trained to the art of oratory, Sir Pherozeshah's rolling and eloquent periods charm the audience. He has the happy gift of placing the hearers from the very first in good humour; and he instinctively knows what to say and how to say it. The audience becomes immediately attracted towards him magnetically, and the more enlivening, eloquent and instructive is his speech, the more it expresses its delight by ringing cheers and deafening applause. By long experience, Sir Pherozeshah has found the key to success in public speaking. He knows when to pitch the key of a given subject high, and when low; when to roar like the lion and when to coo like the gentle dove. He knows when to rail and ridicule, when to cover an adversary with humiliation, when to be gay and frolicsome, and when to be grave in order to pour forth in all earnestness words of practical wisdom and the counsel of perfection. He might be sometimes mistaken. He might sometimes be

deceived. All the same, for the time being he makes a powerful impression on the mind of his hearers. Untrained to diplomacy, he has been known at times to play his game with all the ability of a consummate diplomat. In the hall of the University and the Corporation, in the chamber of the Legislative Council, there is none so lynx-eyed to find flaws in procedure and constitution. Indeed in this respect he would not unfavourably compare with any old 'Parliamentary hand' and make his mark even on the floor of the House of Commons. Those who have closely watched his public career for the last thirty-five years tell us how solidly, step by step, has Sir Pherozeshah built up his reputation as a leader. And now that he stands foremost in the ranks of leading Indians in all parts of the country, it is generally felt that he is born to lead. There are centered in his person all the ability, all the versatility, all the elan, all the independence, and all the courage which make one a leader of men. But a leader without a following is like the general without his trusty soldiers. In the toil and turmoil of active public life he who attains to leadership is also bound to maintain it. But the maintenance of that position is only possible with a band of capable lieutenants equally trained like himself. It is only with the assistance of such that success is possible and practical. We have yet to find in Indian public life one who is a Hercules by himself and is able to rely on his own unaided prowess to achieve miracles which the world will admire and applaud. If, therefore, Sir Pherozeshah rightly enjoys to-day the hegemony of the great Indian community, he owes it not a little to those who have been associated with him for years and who so loyally second his efforts. A fundamental basis of agreement is essential here. For unless the leader and

his associates are in harmony with the principles to be enforced and the broad policy to be pursued in reference to the progress of the country, it would be difficult to bring important matters to a successful issue. Differences of opinion must prevail. For every well-trained and well-balanced mind must view a particular problem from its own point of view. But the differences must exist only to be well considered and threshed out, in order to come to some satisfactory agreement ultimately. The larger success of Sir Pherozeshah more than that of any other Indian, in the public life of the country, must be traced to this fact, namely, the harmony of thought subsisting between himand his colleagues.

Whatever distinction and success Sir Pherozeshah has attained must, however, be ascribed to the quality of the education he received in his youth. It was a singularly lucky circumstance for him, for the late Messrs. Ranade and Telang, and for some of the less known alumni of Elphinstone College that they had all an accomplished Principal of world-wide fame in the person of the late Sir Alexander Grant, the translator and expounder of the ethics of Aristotle at Oxford as far back as 1858. His brief principalship of four years (from 1862 to 1866) was every way remarkable in the annals of that institution. It was in reality an epoch-making one. It was there that the illustrious trio received their academic training. It was there, under that gifted philosophic scholar, that their mind underwent a severe discipline which eventually prepared them for the active public life they all subsequently led. A broad and deep foundation in higher learning was laid. They all cultivated it for its own sake. History, philosophy and logic were taught by Sir Alexander Grant as these subjects have never since been taught by any of his successors save the distinguished Principal Words-

worth. The seed then sown fell on fertile ground and afterwards bore the fruit of which all India has had the benefit. For it will be readily admitted that no three persons in their respective public career have moulded their contemporaries for good more than they. It is owing to their respective sphere of influence that Bombay at least enjoys to-day such an excellent reputation for solidity and sobriety of thought, for practical sagacity, and uninterrupted public activity.

Thus it is that the mind of Sir Pherozeshah was moulded by a master intellect in the heyday of his academic career which even then gave full promise of future eminence. And thus it was that above all Sir Pherozeshah became the greatest favourite of his Principal. Sir Alexander took almost a parental interest in him and foretold the future high distinction he was destined to achieve, as much as the professors of Mr. Dadabhai predicted his greatness from his phenomenal college career. Alas! What a fall is there from that old standard of high and liberal education. Where, one may ask, are the professors of the masterly ability of Sir Alexander Grant and Principal Wordsworth? Where is the rich quality of the higher education they imparted, the education which disciplined the mental faculty and prepared the way for practical exercise in the toil and turmoil of post-graduate life?

Sir Alexander Grant was so impressed by the intelligence of his young scholar that he with great earnestness persuaded his parents to send him to England to qualify himself for the Bar. That no doubt was an event in the career of Sir Pherozeshah, seeing that it had its far-reaching and beneficent consequences. Sir Pherozeshah came out as the first Parsi M. A. of the Bombay University and the first Parsi Barrister. This was in 1868. The same day that brought him fresh from the atmos-

phere of Lincoln's Inn witnessed the interesting ceremony of bidding his beloved teacher a cordial farewell and offering him the congratulations of students and citizens alike in the hall of the Framji Cowasji Institute on his election to the coveted Principalship of Edinburgh University. But the training to which he subjected himself at the Bombay Bar at the outset has proved of the utmost service in his public career. For it is his forensic ability as a lawyer that has stood Sir Pherozeshah in good stead these many years. And well it may, for who in the Legislature is more useful than a barrister well versed in constitutional lore and a ready debater besides. Who will deny that the bar is 'the most democratic of all professions,' as that great democrat of the early eighties, no other than the Radical Mr. Chamberlain, declared in his address to the law students at Birmingham. It may be not uninteresting to give an extract from that speech though it is to be greatly regretted that he never took to law, for the discipline he might have received in the art of ratiocination might have been most instrumental today in preventing him from falling into the many pit-falls and fallacies of his 'fiscalitis' nostrum. Here, however, is what Mr. Chamberlain said about the democratic profession of the bar. 'Merit, industry, and ability are the passports—unfailing passports to success * *. Lawyers are an adjunct to civilisation * * I am bound to say that I think the history of this country would lose very greatly and be infinitely the poorer if we were to strike from it the work of lawyers * * Canning and Burke and many others of our most distinguished statesmen and legislators disciplined their mind by its study and founded themselves upon an accurate knowledge of its principles and practice. Lawyers at many critical periods of our history have been the champions of the rights of the people,

and the defenders of their liberties; they have been foremost in resistance to the unconstitutional encroachments of authority; they have been the wisest and strongest among those who have advocated and carried necessary and beneficent reforms. Is it necessary to remind the reader in this place that it is the mind of Sir Pherozeshah as disciplined by law that has enabled him to advocate a large number of reforms, to mould the legislation not only of his own Presidency but that of all India, and to resist to the uttermost legal measures calculated to inflict the greatest mischief and hardship on individuals as well as on the people at large. The strenuous opposition which he led first in the Town Hall and afterwards in the Bombay Legislative Council two years ago in reference to the Land Revenue Code Amendment Bill, of ill fame, which brought no credit to its misguided author, was a monumental instance of that lawyer-like but constitutional resistance to which Mr. Chamberlain referred in his speech; while the Bombay Municipal Act of 1888, which he was so actively instrumental in framing, is another of that constitutional reform which has proved so beneficial to the individual liberty of the rate-payers and the progress of civic affairs in Bombay. India owes it, again, to the foresight and sagacity of this admirable constitutional lawyer, the modifications he was able to carry through in reference to the Police Act in the Viceregal Legislative Council, an Act which might have been infinitely worse to-day in its operation than it actually is. Again, it was only the other day that he succeeded in the local Legislative Council in fighting strenuously against trade monopoly. There was an attempt made to obtain a short-timed monopoly in the matter of motor-cars. Had the attempt been successful, the monopoly would have proved intolerable to the citizens of Bombay

so long as it lasted. How much is it to be wished that Sir Pherozeshah had been in the Imperial Legislative Council during the passage of the Official Secrets Bill and the Universities Bill! Is there the slightest doubt that his stern advocacy would have considerably changed for the better the destinies of the two most unpopular and mischievous measures of Government? Thus it is that owing to the firm grasp Sir Pherozeshah has acquired in his legal profession of jealously guarding the rights, privileges and liberties of the people that makes him in all public matters to resolutely resist all encroachments, whether by individuals or corporate bodies or by the State itself. Scores of instances might be adduced of the vigorous stand made by him against repeated attempts of the last mentioned authority to override the Municipal law. The rate-payers of Bombay have reasons to be grateful to their city Hampden for his many successful combats on their behalf against encroachment on their Municipal preserve, notoriously in the matter of Police charges.

Thus his education under the special circumstances related and his legal training have been of the greatest service to Sir Pherozeshah in his many-sided public activities. Their combined influence may be traced in many of his important utterances. A third element, too, which has proved of no inconsiderable service may be seen in his case in his three years' stay in London. He happened to be there during the final stage of that great agitation which led to the second Reform Bill of 1867. The decade commencing with 1860 was indeed one of the most important epochs in the political history of the British people. It was the decade which witnessed the revolution in the fiscal policy of England under the financial statesmanship of that prince of public finance, William

Ewart Gladstone. It saw Cobden's Free Trade Treaty with France. Later, it witnessed the spectacle of that great utilitarian and political philosopher, no other than John Stuart Mill, entering the portals of St. Stephen's. It saw the great struggles of the class against the mass as carried on by the giant representatives on each side in the House of Commons. It saw the rivalry of the two great parties and the irretrievable fall of one of them. It saw the destruction of the Tories and the rise, Phœnix-like, from the ashes of obsolete Whiggism, of that sturdy Liberalism of which Gladstone was the great standard-bearer. It was the same decade which witnessed the rise of the working classes and that historical agitation which culminated in Hyde Park. Indeed those ten years were years of the mightiest changes in the political and financial history of England. It saw the old order of things passing away and the new spirit of stout Liberalism planting itself firmly on the debris of the traditions of the antiquated Whigs and the still more antiquated and chaotic Tories. Sir Pherozeshah was there as an outside spectator, but keenly interested in watching those historic and heroic struggles and profiting by them. Better object-lessons in British politics and its turmoils he could not have learned elsewhere. He took a firm grasp of the principles on which the two great parties in the House of Commons respectively endeavoured to influence the electors. It may be assumed that he revolved in his own mind, which were the better and rational principles to adopt for his own guidance. The sturdy Liberalism, then at the zenith of its influence, as directed by the genius of Bright and Gladstone, must have made a deep impression on his youthful but observant mind, and if he embraced Liberalism as the future colour of his politics, it may be taken for granted that he

did so after full conviction. In Indian affairs specially it was essential that Liberalism, the creed of the progressives, should prevail. At any rate young Mr. Mehta must have concluded from what he saw and learned during his three years' stay in England what valuable lessons he would carry back to India on his return. If even after well nigh forty years he is still a follower of the sturdy Liberalism of the sixties, it must be owing to his strong convictions, though meanwhile that creed itself has undergone a great change and is being slowly supplanted by Radicalism. It is not at all surprising, therefore, that all through his public career Sir Pherozeshah has remained progressive, no doubt tempered by the political conditions of this official-ridden country. In matters fiscal we find him equally advanced and in harmony with the best fiscal tendencies of the time. He is undoubtedly an advocate of Free Trade albeit that he holds certain definite views in connexion with the nascent industries now slowly springing up in India. Its economic conditions are such as need a modification in details while holding fast by the broad principles of that fiscal creed.

Lastly, the example of Mr. Dadabhai Naoroji, who was devoting himself in the days of his early domicile in England with as much ability, energy, and unbounded faith to the promotion and welfare of his countrymen as he is doing to-day with the mature experience of full forty years, could not but have its influence on the mind of young Mr. Mehta. He had seen him discharging his patriotic duty with all the zeal of the martyr towards the land of his birth. What lofty sentiments he entertained, what high ideals of Duty he conjured, and what self-sacrifice he cheerfully underwent to achieve his object. A purer and more disinterested ambition never possessed a son of India. Mr. Dadabhai, even in the sixties, was

the very Avatar of stern and unrelenting Duty and a noble example to young Indians.

It was in pursuance of this ambition of his life, to discharge his duty to the best of his power and ability towards his countrymen, that Mr. Dadabhai first founded the London Indian Society with the genuine sympathy and co-operation of a few retired Anglo-Indians, and, later on, the East India Association, for successfully maintaining which he single-handedly worked to obtain the necessary funds. Luckily for Mr. Pherozeshah he found in both the societies an excellent field to train himself for that active public career which since his return to India he has pursued with such credit to himself and advantage to the country. Many an excellent paper on Indian topics was read and discussed at the East India Association and Mr. Pherozeshah seems to have taken a part in that discussion as is evidenced by the published proceedings. It is a matter of regret that the rising generation should be almost wholly ignorant of the early work of that useful institution. More solid work was never transacted. The journals published by that body may be read by every educated Indian even today with the greatest profit, highly informing and instructive as they are on many an Indian topic, the end of some of which has not yet been witnessed. Anyhow Mr. Pherozeshah used to attend the meetings of these organisations where an equally able and every way public-spirited young Bengalee, in the person of Mr. W. C. Bonnerjee, was to be discovered, admiring Mr. Dadabhai and catching his fervour and spirit. It is doubtful whether the trio at the time ever entertained the notion, even remotely, that twenty years later they would all join hands, with other able and capable Indians, in laying the foundation of the greatest organisation that the country has ever

seen! Anyhow Mr. Dadabhai was their senior and domiciled in England, while the two, on the completion of their legal studies, were to return to their respective Presidencies. It could not have then been dreamt even, that in 1885 they should all again meet in Bombay and lay broad and deep the foundation of the Indian National Congress and be its foremost leaders! Perhaps, each thought that they would part to work in their own walk of life and in their respective sphere of influence—Mr. Dadabhai, domiciled in London, to knock at the very door of the central authority and power, Mr. Pherozeshah Mehta to return to Bombay to pursue his professional avocation, and Mr. W. C. Bonnerjee to Calcutta to follow the same profession there! Such, however, is the whirlgig of Time, and such the course of events. It was the ill-fated Ilbert Bill which first made educated India pulsate and throb, aye, to pulsate and throb in perfect harmony. From evil cometh good. So the evil of the discreditable Anglo-Indian agitation awoke India to unite in her own best interests. It was that agitation which eventually led to the institution of the Congress. And by a happy concatenation of circumstances the three stalwarts again met, this time on the Congress platform, joined hands, and made themselves the leaders of the movement which has now laid its foundations broad and deep in the country.

But they say the lineaments of the man are discerned in the child or youth. The lineaments of the two younger leaders of the Congress were to be clearly discerned in their maiden literary efforts in the rooms of the London Indian Society and the East India Association. The one, with a natural bent towards Hindu law, in which he has since distinguished himself as a master and an authority, read a paper on that abstruse subject, while the other on the

educational system of the Presidency of Bombay on which he is considered an expert, next only to the late Messrs. Ranade and Telang. Both are remarkable for their precocity. For they both wrote the papers at the early age of 22! The fact of the precocious condition of their respective minds would become evident to those who would care to study them to-day, nearly forty years after they were written! It seems as if they were written by persons of a maturer age and riper experience.

It will be seen on a glance at the present collection that the papers and speeches of Sir Pherozeshah have been more or less arranged in a chronological order. Mr. Chintamani has so far exercised judicious discrimination, for the arrangement enables the reader to follow the sequence of experience and action in the public career of that personage from stage to stage. The evolution could be closely watched and the epoch-making utterances easily ear-marked. Take Education for instance. Mark the thoughts and the practical suggestions made in his very first paper and compare them with his latest reflections on the same subject, specially on University reform, as expressed only a few months ago. Let the reader ponder on the following extract from that paper which discloses his earlier views on the necessity of Higher Education in this country. 'The question of popular education is perfectly legitimate as *the* great educational question of the day, in England and other countries of Europe, where means for a high education are simply a patrimony. But it would be perfectly absurd and out of time and place to ascribe to it the same pre-eminence in India. An elementary knowledge of reading, writing, and arithmetic, however widely diffused, would no more be able to break and loosen the hard ground of traditional prejudice than children's

hatchets of paper, however numerous, would suffice to clear a jungle. Without disparaging in the least the modest usefulness of elementary education, it may be laid down that in India it must yield precedence to the question of high liberal education. True, such higher education would not be received and taken advantage of by crowds of eager scholars; but we universally find in the history of almost every great movement, in the progress of civilisation, in the history of all reformations and revolutions of the world that it is these few men who do the work of the renovation of the masses, who endowed with real earnestness, deep thought, and comprehensive insight, create and mould the new ideas, and transfer them thus ready-made to the multitude, to be received by them on their authority and example.' It will be seen from this long extract how far back Sir Pherozeshah held the same view which he propounds to-day but with the added experience gained in the interval as an active worker and syndic of the Bombay University. That experience simply emphasises his original views on the far-reaching and vivifying influence of Higher Education in this country, the further advance of which a reactionary Viceroy, in his presumption, and under the misguided policy of distrust of the educated classes, has endeavoured, but vainly as time will show, to arrest by means of legislation.

Another striking instance of the insight and sagacity of Sir Pherozeshah at an early age may be discerned in the proposals he made in 1871 in the Bombay Municipal Corporation during the course of the agitation for municipal reform on the basis of representation. Half a dozen recommendations were made by some of the then leading members with a larger and longer experience of Municipal life in the city than Mr. Mehta. There was, however,

a fatal flaw about them which necessarily led to their rejection. To him it appeared extremely illogical that because a Municipal Commissioner had over-ridden the provisions of the law and the Resolutions of the Corporation, it was necessary to alter the constitution itself and introduce divided responsibility—that is to say, to vest all executive functions in a body of twelve instead of one! This mode of reasoning revealed the impractical character of the reforms suggested. A larger and broader experience of municipal government in the more advanced cities of Great Britain and the United States might have informed the reformers that for carrying on the executive functions, appertaining to a populous local self-government, it was universally recognised that a single responsible person was better than a dozen persons with divided responsibility which practically signified no responsibility whatever. Such great social philosophers as Mill and Herbert Spencer had stated so. For a city like Bombay the proposed reform was not only of a backward character but wholly impracticable. Its adoption would have resulted in a complete break-down. The remedy would have proved worse than the disease. Fresh with his experience of local self-government in England, and supported by the practical principles so ably advocated by John Stuart Mill, which even to-day have stood the test of revolving time, Mr. Pherozeshah pointed out to his colleagues in the Corporation the impractical character of a Council of Twelve discharging the executive functions connected with a city like Bombay, numbering eight lakhs of souls, even when assisted by a whole-time officer, but subject to their orders and instructions. He strongly opposed the recommendation and advocated the retention of a single executive officer, but fully responsible to the Corporation, with certain safeguards. So convinced was he

of the utter futility of the proposal of the reformers that he deemed it his duty to educate the citizens in the matter. Accordingly, he read a paper on municipal reform in the hall of the Framji Cowasji Institute wherein he severely condemned the reformers' proposals and courageously suggested his own scheme. But, as is usual, the populace followed their misguided leaders who were their idols. Young Mr. Mehta was a novice in public life and could not be considered an authority. So they vigorously hissed him, while he laughed at their and their idols' short-sightedness. And in this case the adage was realised that he laughs most who laughs last. For, as a matter of fact, as the agitation grew in volume and eventually compelled the Government to introduce a Municipal Reform Bill into the Legislative Council, the constitutional scheme, as originally limned and formulated by Mr. Mehta, came to be recognised there as the most sensible and practical. Thus the budding barrister and citizen ultimately earned his first civic triumph. What his conceptions of a citizen's duties were might be reproduced here. While admiring the 'boldness, energy and earnestness' of the reformers, he regretted that 'they did not combine qualities equally necessary—moderation, wisdom and far-sightedness. The self-constituted leaders of popular movements have a twofold duty to perform. It is not sufficient for them to stand forth boldly to give loud utterance to the confused and incoherent popular cries. It is not sufficient for them to re-iterate and proclaim the popular indiscriminate wailings and inconclusive analyses of the public grievances. There is another and a higher duty cast upon them, the duty of guiding and rolling the movement in its proper path, of extricating it from the confusion of words and thoughts under which it usually labours, of analysing the genuine and

substantial causes of it, of discovering and proposing measures well adapted to meet the end in view.' These reflections may seem common-place, but we have to bear in mind the time when they were uttered. It was a young man of twenty-six, at the very threshold of public life, who was endeavouring to impress his own views on his elders by many years, citizens of long experience in public life and otherwise well-known for their practical business capacity and high intelligence.

A third striking instance of the same maturity of thought at an early age might be adduced in order to demonstrate the fact, that from the very outset of his public career Mr. Mehta had a firm grasp of first principles and a vigorous power of ratiocination on practical subjects touching not only local but the country's welfare—a grasp and power rarely to be met with among educated Indians at a very early age. The third specimen of his precocity may be discerned in the admirable observations he made in another paper, also read before the Bombay public, on 27th April 1870, on Clause Sixth of the East India Bill which was then being amended by the House of Commons at the instance of the late Sir Stafford Northcote, afterwards the first Earl of Iddesleigh, ably supported by the late Professor Fawcett. It had reference to the expediency of 'giving additional facilities to the natives of India for employment in the Civil Service of Her Majesty in India.' In other words, it was the Bill which constituted what was till lately known as the Indian Statutory Civil Service. It should be remembered that the Bill was brought forward with the best and noblest of intentions, namely, to offer more extensive employment to Indians in the higher offices of the administration. It was cordially supported—at any rate its principle—by the Duke of Argyll, by the late Lord

Salisbury (then Viscount Cranbourne), by Mr. (now Sir Mountstuart) Grant Duff and others. Nothing, therefore, but objections of a most grave character prompted Mr. Pherozeshah to advance adverse criticism against it—criticism which seven years of practical working of the Statutory Civil Service amply justified and which was further confirmed by the Public Service Commission appointed by Lord Dufferin in 1886. Mr. Mehta thought that in itself it embodied 'a measure of such a pernicious tendency' that he for one would have welcomed its rejection. What then were his objections? Firstly, he observed 'that it strikes a fatal blow at the principle of competition in the Civil Service of India; secondly, that it receives and encourages the promotion of political jobbery; thirdly, that it destroys the unity and *esprit de corps* of the service, and fourthly, that it is unjust and demoralising to the natives themselves.' All these objections have been urged in the paper referred to with such a wealth of facts and illustrations, such force of reasoning, and such remarkable sagacity as to make one pause and consider whether it was possible for a young Indian of twenty-two years to have given such emphatic expression to them. Indeed his warnings and premonitions in this particular respect seem to be prophetic, when considered by the light of subsequent events which occurred, and the observations made by the Public Service Commission after recording a mass of well-informed and most reliable evidence on the working of the Statutory Civil Service. The paper deserves to be widely read and studied even now in order to be convinced of the correctness of my statement as to the intellectual precocity of Mr. Mehta at a very early age. It tempts me to quote the sapient reflection made in that very paper touching men of exceptional ability

who had made their mark in their academical career: 'That those men who distinguish themselves most in academical competition when they are young, are the men who in after life distinguish themselves most in the competition of the world.' Mr. Pherozeshah could not at the time have been at all conscious how the reflection would also apply to him in after years.

So far as to the first stage in the public life of Mr. Mehta. The second stage may be justly said to have been reached when the brilliant Triumvirate, consisting of Mr. Budruddin Tyabji, Mr. Pherozeshah M. Mehta and Mr. Kashinath Trimbak Telang, stood shoulder to shoulder on the platform in the Town Hall on the eventful 28th April 1883, and demonstrated to the world of India how calmly, how soberly, yet how sagaciously cultured Indians, brought up in the best school of instruction by high-minded and philosophic masters of thought, could comport themselves and give expression to the thoughts burning within them on a grave subject in the midst of intense heat and excitement unprecedented in the annals of British India. That subject, it is needless to say, referred to the measure introduced by the Indian Government known as the Ilbert Bill—a beneficent measure of State having for its object equality before the law without distinction of race and creed, but on which Anglo-Indians, in the heat of passion and racial prejudice, completely lost their head and forfeited their previous reputation for toleration of opposite opinion and sobriety of thought and language. Only those who were present at that great meeting could realise the triumph that that brilliant Triumvirate achieved by their respective addresses on that disagreeable subject and the example they set in manners, let alone arguments and cogent reasoning, to the agitated and angry Anglo-Indian politicians in

Calcutta, Madras and elsewhere. The three speakers rose to the height of the occasion and covered themselves with universal praise by the judicial serenity, candour and impartiality with which they respectively delivered themselves of their burthen. Here is the declaration of political faith which Mr. Mehta made at the historic meeting. 'If I entertain one political conviction more strongly than another, it is that this country, in falling under British rule, has fallen into the hands of a nation than which no other is better qualified to govern her wisely and well. Look among all the leading nations of the world, and you will not find one who, both by her faults and by her virtues, is so well adapted to steer her safe on the path of true progress and prosperity. * * * In setting up as a critic of Englishmen in India, I fully recognise that I do not set up any claim of superiority. I do not set up as a superior person who could have done better under similar circumstances. * * At the same time I feel confident that Englishmen will frankly admit that this circumstance gives them no immunity from criticism, nor gives them any right to be impatient if they are judged by the principles they themselves have introduced and taught as the principles on which their work in this country must be finally judged.' To this political creed regarding the rulers of the land he has uniformly and unswervingly adhered. It was owing to this fact that Mr. Mehta was able to offer to his hearers a few pertinent criticisms which the burning topic of the day demanded. It was alleged by the impassioned Anglo-Indians that the Bill in itself was a matter of little moment, but their fears were aroused as it indicated the shifting of the foundations of British power in India! 'Denouncing the wisdom of the declared policy of the Crown, they boldly say that India has been

conquered by force and must be governed by force. In preaching this gospel of might they have found a devoted supporter in England in Sir FitzJames Stephen and a somewhat doubtful one in Lord Salisbury. They ridicule the policy of righteousness as one of weak sentiment and seem almost to adopt, with scarcely disguised approval, the vigorous summary of their position given by Mr. Bright in his own peculiarly happy manner, that having won India by breaking the Ten Commandments, it is too late now to think of maintaining it on the principles of the Sermon on the Mount. Our European friends will pardon me if I say that a good many of them have a sneaking, when they have not a pronounced, partiality for the proposition while they consider that the platitude about England's duty to India, and the other quotations from Lord Macaulay and others about a "policy of national wisdom, national prosperity, and national honour" had no business to intrude in practical politics but are only good enough to be spouted by native orators on public occasions.' Englishmen are so apt to forget the foundations on which the British Empire in India *really* rests that it is needful, notably in these days when so much of hollow cant is heard about Imperialism and the burden of the White Man in this ancient country, to remind them of what they are and what is their true duty. The quotation from Mr. Mehta's speech aptly does that necessary service. When Englishmen say that India is won by the sword, they do not, Mr. Mehta observed, 'do justice to themselves.' For they do not then read Indian history aright. 'England has won India not simply by the sword, but in a large measure by the exercise of high moral and intellectual qualities which have not only guided its victories, but have always been on the alert to neutralise its baneful influences.' The policy of force is

a policy foredoomed to failure. In this respect Mr. Mehta made another pregnant observation which seems to have been almost prophetic, judging from the events occurring before our very eyes. He observed that the policy of force 'would require day by day larger English armies and a larger English Civil Service. In progress of time large numbers of Englishmen trained in the maxims of despotism and saturated with autocratic predilections, would return to their native home, where they could not but look with intolerance on free and constitutional forms. This is no visionary speculation. Careful English observers have already noticed traces of such a tendency, in the course of a few generations. Such a tendency, if not checked, would develop into a mighty influence and the free and constitutional Government of England, which has been so long the pride of the world, would be placed in the deadliest jeopardy. Rome was once proud of her sturdy freedom and republicanism; she lost both in the extension of her despotic empire. She has left, however, a valuable lesson, and it has been well and truly said that for the sake of all that she values most, her own freedom and civilisation, she must raise India to her own level, or India will drag her down to hers.' Apart from the merits of the Ilbert Bill, now entirely forgotten, who will deny the appositeness of the sentiments, so healthy, so sound, and so sagacious which it evoked from Mr. Mehta? How prophetic, I repeat, they seem to be, judging by the events now occurring! Is not the prediction of 1883 being painfully verified at present? To what a deplorable condition Parliament has been reduced by Mr. Balfour! How autocracy of a most exasperating character prevails as much in the hall of St. Stephen's as in the Council Hall of the Viceroy at Calcutta! Indeed, how India is being shamelessly exploited by the omnipotent British War

Office and how its constitution in matters of Military Administration is being superseded by a pure and unadulterated military tyranny which again will cost crores of rupees to the powerless taxpayer and burden him with permanent liabilities of a most crushing and indefinite character. Mr. Mehta's speech on the Ilbert Bill was not only incisive and inspiring, but epoch-making.

Equally ear-marked must be the speech which Mr. Pherozeshah made two years later on the occasion of sending delegates to England on the eve of the General Election of 1885. A meeting for the purpose was called by the Bombay Presidency Association on 29th September of that year, and Mr. (now the Hon'ble Mr. Justice) N. G. Chandavarkar was elected to represent Bombay. Only the other day the proceedings of that meeting were recalled to memory by Sir Pherozeshah on the occasion of the selection of the Hon'ble Mr. G. K. Gokhale. At that meeting he went a little beyond Messrs. Dadabhai Naoroji and B. Tyabji, and observed that 'the time was come when they must submit Indian questions to the keen and searching criticism of party warfare. Until that was done, Indian questions would never be thoroughly sifted in England, and what they asked for would never be fully understood or granted. They must ask the English people not to listen to Anglo-Indians only, but to hear both the one side and the other. Although no doubt Indian interests would sometimes be sacrificed in the heat of party warfare, the intellect and the conscience of England would move, as it had always done in the long run, in the path of true progress and beneficent reform. They might have to incur some incidental risk and make some incidental sacrifice, by submitting Indian questions to party warfare, but he was sure that in the end they would be the gainers.'

To this opinion Sir Pherozeshah robustly adheres. From the observations he made the other day in the hall of the Framji Cowasji Institute, it is clear that even after a lapse of twenty years, during which Parliament and the British nation have relegated all Indian affairs to the care of Providence, he is strongly of the same conviction as before that India must be brought fully within the pale of party politics if her grievances and wrongs are to receive a fair measure of redress. It is only by means of the fierce search-light of party criticism that the Cimmerian darkness in which remains thickly shrouded many a grave Indian problem could be made visible and the real state of affairs fairly illumined for purposes of a decisive action. The cry that India should be kept out of the pale of party politics is a hollow and an interested cry raised by the Anglo-Indian and feebly echoed by some of the misguided and ill-informed organs of Indian opinion. But it is superfluous to say that it is a cry in the wilderness.

We now come to another important era in the evolution of Mr. Pherozeshah's public life so far as the city of Bombay is concerned. He had, in 1888, almost completed nineteen years of municipal activity, unremittingly and unselfishly. His municipal horizon had been greatly enlarged, and his municipal experience had been considerably broadened. The operations of the first reform bill of 1872 revealed many a flaw—administrative and executive. The City Fathers, therefore, deemed it high time to appeal to Government to give them a new civic charter, every way more broad-based and founded on the people's wish, such as they were entitled to by reason of the creditable way in which they had discharged their civic functions for full fifteen years and more, and which earned for the city the title of *Urbs Prima in Indis*. A draft of the new Municipal Bill as framed by

the then Municipal Commissioner, Mr. (afterwards Sir Charles) Ollivant, was introduced into the Legislative Council, but its provisions, specially those bearing on the constitution, were of so reactionary and retrogressive a character, and so subversive of all civic freedom, that a hue and cry had been raised against it in the town and in the Corporation itself. 'Down with the Draft Bill'—that was the popular cry heard everywhere. Memorials from organised bodies as well as rate-payers were submitted to the Bombay Government, then under the presidency of the distinguished Lord Reay, a liberal-minded statesman in sympathy with the legitimate ambitions and aspirations of Indians. His Lordship was fully made aware of the state of popular ferment on the new-fangled measure of Mr. Ollivant. It was pointed out to him with extreme candour that unless the Bill was moulded in harmony with the progress the citizens of Bombay had made in Municipal Government and in accordance with their wishes and requirements, the same kind of agitation that had overtaken the Bombay Government in 1871 might be anticipated. With the sagacity of the practised steersman at the helm of the vessel, Lord Reay at once espied the coming storm and directed the reactionary draft to be remoulded in the spirit wished for by citizens of the ability and long and mature experience of Messrs. Mehta and Telang. In the case of the former there was the added experience of Chairman of the Corporation, an honoured post to which he was twice unanimously called by the suffrages of his colleagues and which he so ably filled as to deserve the reputation of being ever afterwards called 'the best Chairman.' Indeed, he has enhanced that reputation by the ability with which he is for the third time discharging the onerous and highly responsible duties of President of

the Corporation during the current official year. So the draft Bill was abandoned to its fate. It was at the best an abortion and it died an abortive death. Mr. Mehta was on the Select Committee and it was owing to the valuable experience which he brought to bear on the new Bill in that body that a measure was brought forward in the Legislative Council which fairly fulfilled popular aspirations. Very few are aware of the immense sacrifice of time and labour undergone by Mr. Mehta in moulding into shape that measure. It was also fortunate that in Mr. Naylor, the Legal Remembrancer, and in Mr. Macpherson, the Advocate-General, he found two Englishmen, of sound views, every way sympathetic and progressive. The Bill was indeed a monument of Mr. Pherozeshah's great sagacity and practical statesmanship. It emerged from the local Legislative Council as the Municipal Act of 1888 and is fondly recognised as their Magna Charta by the citizens of Bombay. They are proud of it and exceedingly grateful to their patriotic countryman for his arduous and responsible share in framing many an important provision, notably the one which declares the Corporation as the 'supreme administrative body.' The Bill as it emerged from the Select Committee was, of course, not perfect. On some of the sections Mr. Mehta's colleagues would not yield. And he and the late Mr. Telang had had to bring forward their own amendments in the open Council on the occasion of the second reading. The speech which Mr. Mehta made at its opening deserves to be well studied by all lovers of Local Self-Government. It was not only well reasoned out but vigorous in the enunciation of broad and progressive principles, specially those which referred to State and individual liberty and rights. He began by praising Mr. Naylor who was primarily charged with the drafting

of the Bill and then remarked that he anticipated 'great benefits and advantages from it in the way of easily understanding and working the law. * * The constitutional portion of our Municipal law is rightly considered to be its most important portion; it is the keystone of the whole arch.' Then waxing eloquent he pointed out where in the past lay the success of the Bombay Municipal administration. The Corporation 'in spite of its alleged talking proclivities' succeeded, because: 'Firstly, it has prevented the Commissioner from embarking on hasty, ill-considered and inappropriate schemes by its constant criticism. The fear of this criticism, reasonable and unreasonable, has done more useful negative work than is generally known or imagined. Secondly, it has introduced great reforms in the executive departments. And thirdly, it has directly initiated great undertakings for the improvement and sanitation of the city.' The same, aye even greater, success has been achieved in these three different directions during the currency of the present Act. And it is deemed a source of the highest gratification by the citizens of Bombay that the year which is about to witness the welcome visit of their Royal Highnesses the Prince and Princess of Wales, finds Sir Pherozeshah M. Mehta once more installed into the Presidential chair by acclamation. All India has said with one voice that no better Indian could have been selected to accost the royal pair on their first setting foot on the shores of India. It would be tedious to dilate more on the valuable services which Sir Pherozeshah has indefatigably rendered to the city in his capacity as a member of the Corporation during the last thirty-five years without a day's interruption. Not only is the length of the service unprecedented in the annals of the whole country, but the service itself

and the numerous functions he has discharged are also unique and bear ample testimony to his sterling worth as a citizen. It is no exaggeration to say that there is not one among his profession to match him in the correct interpretation of the Municipal law; and there is not a person in the Corporation who like him has at his fingers' ends the rules of order and procedure by which the conduct and proceedings of meetings are strictly regulated. With the infusion of a somewhat undisciplined and loquacious element into the Corporation it had become apparent during the last two or three years that a firm hand was essential to lay down points of order and procedure in conformity with the rules; and the Corporation is fortunate in having such a master of procedure at present in the Presidential chair. Obedience to authority is strictly enforced. Members are firmly prevented from wandering into matter not relevant to the subject before the House; personal observations of an offensive character are rigidly proscribed, while the best traditions and dignity of the House are honourably maintained without in any way curtailing the freedom of healthy debate. Were Sir Pherozeshah asked to say of what part of his public work he was most proud, he would unhesitatingly answer 'Municipal work.' To him it has throughout been a labour of love, and it is doubtful if he could ever be weaned from that self-imposed duty in the discharge of which it may be said, without fear of contradiction, he has not been hitherto surpassed either for ability and industry or for disinterestedness and great pecuniary sacrifice by any other citizen.

Coming to his work as a legislator, the reader will find ample pabulum for political reflection in the numerous speeches he has made both as a member of the local Legislative Council and as a member till late of the Viceregal Legislative Council. Each and all bear

the stamp of his own individuality. Fearless and independent, he has never cared for the favours or frowns of men in authority. In his praise and dispraise of their persons and their administrative and executive measures he has been rigidly impartial—a trait in the public life of Sir Pherozeshah which is highly to be commended and followed. He has not failed to eulogise the officials, from Viceroys and Governors downwards, when praise was due, sometimes amidst popular dissent; and he has never been slow to offer his most withering hostile criticism when occasion demanded it. He gave two signal instances of his fearless independence, once in the Viceregal Council and once in the local Council. Mr. Mehta's out-spoken views on the Administration of the country in general and on some features of Imperial finance during the incumbency as Finance Minister of the late Sir James Westland, evoked from that honourable member, more or less intolerant of non-official criticism, the remark that he had introduced a 'new spirit' into the Imperial debates. But that 'new spirit,' it was universally recognized, had had its chastening influence on the bureaucratic hierarchy of the land. Effective criticism of official measures was strenuously offered in the place of the fatuous flapdoodle to which the official ears, long attuned to flattery, were accustomed. He lifted the debates in the Viceregal Legislative Council from the level of dull mediocrity and created no little flutter in the legislative dovecotes in the metropolis of the Empire by his incisive speeches. These will be found by the reader to be highly interesting and instructive. They form a literature by themselves which other public citizens, aspiring or ambitious to shine in the Viceregal Council Chamber, may carefully study. Not only are they a mine of information but a compendium on a variety of Indian

affairs. They also lay down broad principles of policy which from the Indian point of view are deemed most conducive to the well-being of the Government and the people alike. No Indian has been so successful as Sir Pherozeshah in effectually echoing popular sentiments and feelings on legislative measures introduced from time to time into the Imperial Council. His valuable services there in the cause of the country have been more than once generously recognized by his grateful countrymen.

His speeches in the local Legislative Council, where he has sat uninterruptedly as the representative of the Bombay Municipal Corporation since 1893, are also varied, and as informing and instructive as those made in the Viceregal legislative assembly. The most important of these, as judiciously selected by Mr. Chintamani, will repay perusal.

The one he made on the unpopular Land Revenue Code Amendment Bill, and the other one previously made on the same subject at the monster meeting in the Town Hall, are both masterpieces of forensic ability and might reflect credit on any leader of H. M.'s Opposition in the House of Commons. These display the highest dialectic qualities of the speaker, apart from unflinching courage and fearless independence. The remarkable incident which followed his speech in the local Council need hardly be referred to here. It cannot but be still fresh in the minds of the people of the Bombay Presidency. Sir Pherozeshah was not a little indignant at the base and unfounded attack made by the author of the Bill, Sir James Monteath, on his own honest opposition and that of his brother-members. He repudiated the allegation made against them that their opposition was dishonest and founded in the interests of the sowcar and covered with shame the official calumniator. Thereafter, sheer

sense of self-respect demanded that he and the colleagues who agreed with him should refrain from taking part in a debate which for all practical purposes was futile. Seeing that there was a *predetermined* resolution to carry the Bill through all its stages *perfas et nefas*, they retired from the Council Hall. The measure was not allowed to be passed on its merits. It was simply carried by the brute majority of official votes irrespective of what the popular members had urged on the subject.

Apart from Sir Pherozeshah's speeches in the two legislative assemblies there will be found in the compilation many a one made on a variety of other subjects, specially on education. Some of those delivered in the hall of the local University are of great value. Not the least enlivening and interesting are some of the utterances delivered on social occasions. Each and all will repay perusal, seeing that in each Sir Pherozeshah's individuality comes out in marked relief. Those made at Provincial Conferences and on Congress platforms have a distinct and special value of their own. They are a *vade mecum* by themselves on Indian Polity from the point of view of enlightened leaders of native thought in all parts of the country. It is pemmican food for the youths of to-day attending our seminaries and colleges, but who will be the citizens of to-morrow. To all others interested in the greater welfare of the country they are a rich and profitable study. The pabulum offered needs to be well digested and ruminated upon.

In short, on whatever subject Sir Pherozeshah has spoken, he has spoken with a verve and nerve peculiar to his mental constitution, and with accurate knowledge and personal experience. Some of the speeches are brilliant specimens of public speaking which would be appreciated in any country and elicit applause from the

SPEECHES AND WRITINGS

OF THE

HON'BLE MR. PHEROZESHAH M. MEHTA.

THE EDUCATIONAL SYSTEM OF THE PRESIDENCY OF BOMBAY.

[*The following paper was read at a meeting of the East India Association in London, at the end of 1867.*]

IT is a matter of no small congratulation to the natives of India that there does not exist, and indeed never seriously existed, a necessity for any vindication of the political expediency or morality of giving education to them. From the very first moment when the problem of Indian education was mooted, almost every Indian statesman of note has ever steadily discarded all insinuations as to its danger or impolicy. There is a story told of Mountstuart Elphinstone, so far back as when he was Governor of Bombay, which may be regarded as expressing the typical sentiment on the point. It is related by Lieutenant-General Briggs, who served under him at the time of the Mahratta crisis. 'On my observing in the corner of his tent one day,' says that officer, 'a pile of printed Mahratta books, I asked him what they were meant for? "To educate the natives," said he; "but it is our high road back to Europe." "Then," I replied, "I wonder you, as Governor of Bombay, have set it on foot." He answered, "We are bound, under all circumstances, to do our duty to them." ' And with these we may fitly record the memorable words of Macaulay, that this same path of duty is also 'the path of wisdom, of national prosperity, and of national honour,'—words reflecting the highest credit both on the men who pronounced them and

the nation they represented. We cannot, then, be sufficiently thankful that the first and most formidable objection to the spread of education in India was never entertained but to be dismissed with indignation.

We may also notice here another obstacle not less dangerous, which was offered with far greater persistency, but which was eschewed with equal wisdom and resolution—I mean, the demand to impart religious at the same time with secular instruction in all the State schools. The arguments which the advocates of this system brought forward, and still bring forward,—for, though unsuccessful, they are not yet extinct—are of no inconsiderable weight with a large proportion of ordinary intellects. The truth of Christianity, its vast civilizing powers, social, moral, and intellectual, on the one hand; the degrading superstition in which the Hindus grovel, the utter stagnation of the whole social fabric under its petrifying influence, the impotence of secular education to cultivate the moral reason, on the other, were all adduced to support their demand. There was, at the same time, an absence of all direct religious intolerance, which considerably strengthened their position. The imprudence, not to say the bigotry, of these high but narrow-minded men was, however, instantly exposed by keen and able thinkers; and, in the Bombay Presidency, Mr. Elphinstone recorded his strong convictions in his celebrated Minute on Education, which were fully concurred in by the Home Government, and subsequently expressly sanctioned in the Dispatch of 1854—the charter of the present educational principles in India. He says there: 'To the mixture of religion, even in the slightest degree, with our plans of education, I must strongly object. I cannot agree to clog with any additional difficulty a plan which has already so many objections to surmount. I am convinced that the conversion of the natives must infallibly result from the diffusion of knowledge among them. Evidently they are not aware of the connexion, or all attacks on their ignorance would be as vigorously

resisted as if they were on their religion. The only effect of introducing Christianity into our schools would be to sound the alarm, and to warn the Brahmans of the approaching danger. Even that warning might perhaps be neglected so long as no converts were made; but it is a sufficient argument against a plan, that it can only be safe as long as it is ineffectual; and in this instance the danger involves not only failure of our plans of education, but the dissolution of our empire." Whether the Christian religion as a religion is ever destined to flourish in Indian soil, I will not pretend to speculate upon; but all later experience justifies us in agreeing with Mr. Elphinstone, that its only chance of success lies through the jungle-paths, which may be cleared by secular education. The worthy people who would let loose in India a band of State missionaries may therefore well be thankful that their impatience has not been allowed to defeat their own cherished object, and that a hopeful vista may still stretch before them through the rigorous inviolability attached to the principle of religious neutrality.

Unencumbered, happily, with these primary obstructions, it must not be supposed, however, that the problem of public education was to be at once definitely or easily solved. The intrinsic difficulties of the task were considerable. How and where to make a beginning; what were the present and potential capabilities of the various languages belonging to the country; what the amount of available knowledge contained in them; how to supplement it with, or initiate independently, European science and literature; above all, how and where to obtain scholars and schoolmasters: were all questions enveloped in a dense crowd of ignorance and misunderstanding. It was absolutely necessary to feel the way step by step. And, if mistakes were committed, we must not forget that they were sometimes inevitable.

It was as early as the year 1813, when a new charter was once more granted to the East India Company, that

the question of public education was first opened. The Governor-General was empowered by the Act to set apart and apply an annual sum of not less than one lac of rupees, out of the surplus territorial revenues, "to the revival and improvement of literature" (I quote the words of the Act) "and for the encouragement of the learned natives of India; and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories in India."

Previous to this enactment there had been founded a Mahomedan College at Calcutta, by Warren Hastings, in 1781, and a Hindu Sanscrit College at Benares, by Jonathan Duncan, in 1791. But both these institutions were avowedly established for political purposes, and it is to Earl Minto that credit is due for having put the cause of education on an independent basis. Indeed, his Educational Minute of 1811 seems to have been the origin of the above provision. This provision was, however, strangely enough, simply a dead letter as regards the Bombay Presidency, being quietly held applicable only to Bengal. The first movement in that Presidency was unconnected with Government. In 1815 a society was formed for promoting the education of the poor within the Government of Bombay. The education of the natives, however, was by no means its primary object. The honour of starting a society for this exclusive object belongs to a name deeply venerated throughout Western India, and whose memory, preserved in a public statue in the Town-hall of Bombay, still hovers as the tutelary guardian of all the educational institutions in the Presidency. I speak of the name of Mountstuart Elphinstone.

Soon after his appointment to the governorship, *i.e.*, in 1820, a branch society of the Bombay Educational Society was started under his presidency, with the object of native education only in view. In 1822 it detached itself under the designation of "The Native School-book and School Society," and soon proceeded to

apply to the Government for increased and continuous aid. Mr. Elphinstone, while granting several sums from the limited funds at his disposal, took the opportunity of recording his general views in an able and instructive Minute, in which he emphatically broached the idea of State education, and laid down a programme of public education which was afterwards often referred to. He enumerated the following as the principal measures for the diffusion of knowledge among tbe natives:—1st. To improve the mode of teaching at the native schools, and to *increase* their number. 2nd. To supply them with school-books. 3rd. To hold out encouragement to the lower orders of natives to avail themselves of the means of instruction thus afforded them. 4th. To establish schools for the purpose of teaching the European sciences, and improvements in the higher branches of education. 5th. To provide the preparation and publication of works of moral and physical science in native languages. 6th. To establish schools for the purpose of teaching English to those disposed to pursue it as a classical language, and as a means of acquiring a knowledge of European discoveries. 7th. To hold forth encouragement to the natives in the pursuit of these last branches of knowledge.

This Minute bore no immediate fruit beyond the small grants mentioned above. But on the retirement of Mr. Elphinstone, in 1827, what his financial power as Governor was impotent to achieve was achieved by the influence of the admiring spirit which his earnestness and enthusiasm in the cause of education had conjured up around him. A subscription was started in his honour, which ultimately reached the sum of about £30,000 and with which it was proposed to found an endowment for three professorships of the English language and European arts and sciences. The movement attracted the attention of the Board of Directors, who agreed to subscribe an annual sum of Rs. 20,000 in aid of the general fund. The modest English school

of the Native Education Society was transformed into the Elphinstone Institution, destined to form the nucleus of the scattered English and Vernacular schools of the Society throughout the Presidency. In 1840 it was thought advisable to consolidate the different grants distributed through the hands of the Native Education Society, and a 'Board of Education' was constituted, consisting of an equal number of Europeans and natives, named by the Government and the Society respectively, which was entrusted with the management of all the educational institutions in the Presidency. The contribution of Government towards the cost of education was fixed at the annual sum of £12,500.

And now there arose a warm controversy between two parties, who may be conveniently denominated as the Vernacularists and the Anglicists, the former advocating the employment of the vernaculars of the natives as the principal media for the diffusion of education, the latter giving the preference to the English language. Already the controversy had passed through a phase which it is desirable to notice. When the problem of education was first taken in hand, attention was naturally turned to the existing Sanscrit and Arabic languages and literatures. Fresh from the study of the history of European civilization, the foreigners were struck with the resemblance which the transitional state of things in India presented to the grand phenomena of the Revival of Learning at the close of the fifteenth and the beginning of the sixteenth century. Sanscrit and Arabic were immediately proclaimed as the classical languages which were destined to perform the same part in the task of Indian regeneration which Greek and Latin had performed in that of European civilization. The wording of the provision mentioned above of the Act of 1815, as being intended for the encouragement of the learned natives of India, who, it was urged, could be learned in their own languages and literature, was supposed to

give legislative sanction to these views. Hindú Sanscrit Colleges and Mahomedan Madrisahs came into vogue, and the Court of Directors gave them their approval, after thus summing up the value of Sanscrit literature.

"We are informed," they say, "that there are in the Sanscrit language many excellent systems of ethics, with codes of laws and compendiums of the duties relating to every class of the people, the study of which might be useful to those natives who may be destined for the judicial department of government. There are also many tracts of merit, we are told, on the virtues of plants and drugs, and on the application of them in medicine, the knowledge of which might prove desirable to the European practitioner, and there are treatises on astronomy and mathematics, including geometry and algebra, which though they may not add new lights to European science, might be made to form links of communication between the natives and the gentlemen in our service, who are attached to the observatory and to the department of engineers, and by such intercourse the natives might gradually be led to adopt the modern improvements in those and other sciences."

During the prevalence of such sentiments, Mr. Chaplin, the successor of Mr. Elphinstone in the commissionership of the Deccan, established a Sanscrit College at Poona, in 1821. Experience, however, soon showed that Sanscrit language and literature were not only entirely devoid of any spontaneous germ of further development, but were useless and even mischievous, as far as they went, for the purposes of a regeneration at all commensurate with a nineteenth century civilization. Ram Mohun Roy was the first who had the courage openly to point out this fact in a memorial, addressed to Lord Amherst, in 1823. He was followed by Macaulay, who handled the whole question in a Minute dated 1835, and emphatically declared himself against the system pursued, as being warranted neither by the Act of 1815, nor by the beneficial results to be exp-

from it. I cannot do better than quote the paragraph in which he sums up the respective merits of the English and Sanscrit languages. "The question now before us," he says, "is simply whether, when it is in our power to teach this (*i.e.* the English) language, we shall teach languages in which, by universal confession, there are no books on any subject which deserve to be compared to our own; whether, when we can teach European science, we shall teach systems which, by universal confession, whenever they differ from those of Europe differ for the worse; and whether, when we can patronize sound philosophy and true history, we shall countenance at the public expense, medical doctrines which would disgrace an English farrier; astronomy which would move laughter in girls at an English boarding-school; history abounding with kings thirty feet high, and reigns thirty thousand years long, and geography made up of seas of treacle and seas of butter." Though Macaulay and his supporters were branded as religious enthusiasts who proscribed Oriental literature with Russian barbarity, the soundness of their views prevailed, and Sanscrit colleges were doomed for ever. In the Bombay Presidency, though the Poona Sanscrit College was allowed to continue (and it was entirely abolished only in 1851), the experiment was never again repeated.

Routed from the standpoints of the ancient sacred languages of India, the vanquished party put on a new garb, and took up another watchword. The Classicists soon reappeared as Vernacularists. True, Eastern lore was to give way before Western knowledge, but still the question remained open, What medium for communicating its vast stores of ideas was to be chosen as the fittest and best? There were the vernaculars of the country, the languages which the people spoke and in which they thought. True, they were dry, meagre, poor in the varied pliant powers of civilized expression. But could they not be cultivated and improved as the languages of the barbarian invaders of the Roman empire had been

cultivated and improved within historical memory? There was the English, by itself leaving nothing to desire; but was it ever to be expected that a language so intensely and radically foreign in its modes of speech and thought should ever make its way among a people especially pre-eminent for the possession of an unlimited amount of the inertia of conservatism?

Such were the questions which the Board of Education was called upon practically to decide when, in 1840, it entered upon its duties of educating a population of ten millions, at an annual expense of about £15,000. Already, to a certain extent, a line of operations had been marked out for it, and there were precedents of experiments in the other Presidencies, particularly in that of Bengal. The programme laid down by Mr. Elphinstone in his Minute of 1823 had been acted upon so far as to establish one tolerably large English school, and a number of Vernacular schools, with a staff for the translation of English works. His colleague, Mr. Warden, had protested against the establishment of the latter, but the Court of Directors had pronounced Mr. Elphinstone's views as "sounder and more comprehensive." Sir John Malcolm had applied himself vigorously to the encouragement and extension of Vernacular schools. The result was, that the Board found themselves at the head of four English and thirty-three Vernacular Government schools, with the tradition of a prevailing bias in favour of the latter, which threatened to over-grow and almost annihilate the former. This most undesirable consummation was averted by the appointment, in 1844, as President of the Board of Education, of a gentleman who, with sympathies as warm in the cause of native education as those of any of his predecessors, combined at the same time a clear appreciation of the end to be aimed at and the means to be pursued. Sir E. Perry, for it is to him I allude, deserves our most grateful acknowledgments for the fortitude with which he withstood, sometimes unaided and alone, all attempts to defeat

the only means of education capable of effecting the real regeneration of all classes of the people of India.

The Anglo-Vernacular question is still of considerable importance; indeed, it reappears again and again, sometimes under very grotesque forms. It is, therefore, necessary that we carefully consider it, and place it in its true light.*

What is the real end and aim of all attempts to educate the natives of India? If the question were put with respect to England, France, or Germany, we know what the answer would be in its main general features—To induce the highest adaptability, either after an actual or an ideal standard, of all classes to the various social and political duties of their respective positions in life. But will the same answer suffice for India? Evidently not, from the simple fact of the simultaneous appearance of two civilizations most unequal in growth, one glowing with the strength and pride of full manhood, the other stinted early in its infancy, and sunk into concentrated childishness. Hence the first paramount aim of education in India is the absorption of the lower into the higher civilization, the reformation of the Old system of culture by the New. Such a consummation was, however, not to be achieved without great tact and delicacy. While inoculating its own dogmas, the new civilization would have to break up, expose, and analyse the old hereditary tastes, opinions, habits, customs, manners and modes of thought, those short rules of thought and action, unconsciously sucked in as first principles, self-evident and indisputable, from generation to generation. Such a process, if inaugurated, however, merely as dogma fighting against dogma, would be undoubtedly productive of a mental convulsion of the most unhealthy character, and the result of which would be swayed by the most chance circumstances of life. And even the

* There is an agitation going on at present (1867) in the North-Western Provinces to obtain the establishment of a Vernacular University.

triumph of the higher civilization would not unfrequently assist in destroying its own object. The passive recipients of the new ideas would soon become liable to be taunted, and justly taunted, with the worst faults of shallow minds, irreverence to age and experience, childish petulance, and the pretence of knowledge without the reality. Such a transition period would be fraught with the gravest dangers, social and political. To win its way successfully and surely, the new civilization must come fully equipped and accoutred. It must bring with it not only all its settled creeds, but the proofs on which their higher truth is grounded. The Indian mind must be made to understand and appreciate it before it can be safely allowed to grapple with the old civilization. But what sort of education would be necessary for such a purpose, if not the highest possible sort of what is called liberal education? The question of popular education is perfectly legitimate, as *the* great educational question of the day, in England and other countries of Europe, where means for a high education are simply a patrimony. But it would be perfectly absurd and out of time and place to ascribe to it the same pre-eminence in India. An elementary knowledge of reading, and writing, and arithmetic, however widely diffused, would no more be able to break and loosen the hard ground of traditional prejudice than children's hatchets of paper, however numerous, would suffice to clear a jungle.

Without disparaging in the least the modest usefulness of elementary education, it may be laid down that in India it must yield precedence to the question of high liberal education. True, such high education would not be received and taken advantage of by crowds of eager scholars; true, it would be confined to a few—a very few, comparatively—the elect of God, as the Calvinists would say. But we universally find in the history of almost every great movement in the progress of civilization, in the history of all the reformations and revolutions

of the world, that it is these few men who do the work of the renovation of the masses,—who, endowed with real earnestness, deep thought, and comprehensive insight, create and mould the new ideas, and transfer them thus ready-made to the multitude, to be received by them on their authority and example. We must here take care to guard against a very common misconception, and bear in mind that these few men are not to be reckoned up absolutely as a hundred or two hundred, or even a thousand, a handful that one or two colleges could send forth after subjecting its full numbers to a sort of natural selection; but a few only comparatively with the millions of the whole population; and in India, the number of these few men must be absolutely very large indeed, when we consider the endless varieties of people that transform it almost into a continent by itself. It is thus, I believe, sufficiently evident that all the energies of the educational department should be concentrated on the high quality of the education to be given as its paramount end and aim.

The next step in our inquiry is to ascertain whether the vernaculars of the country are fitted to become the vehicles of such an education. That in their present state they are utterly useless for this object, is admitted on all hands, even by their staunchest advocates. They have no literature, history, or science worthy of the name. It is contended, however, that they could be enriched, "either by direct translation or, which is preferable, by the representation of European facts, opinions, and sentiments in an original native garb." "In the earlier stages of improvement," says H. H. Wilson, the distinguished Orientalist, "the former mode is the only one that can be expected; hereafter, the latter would take its place, and would give to the people of India a literature of their own, the legitimate progeny of that of England, the living resemblance, though not the servile copy, of its parents." Certainly, this sounds most liberal and philo-Indian. But, unfortunately, the poverty of the

vernacular languages is such that they do not admit of even decent translations. Commensurate with the civilization under which they grew up, they have positively no forms of expression for the unlimited number of European ideas, and their varied shades and modifications. European Oriental scholars are very apt to underrate this meagreness. They are able to make something out of the translations, reading them as they do under the light of their own previous knowledge. But to natives, new to the ideas contained in them, they are generally unintelligible, obscure, and sometimes ludicrous. Add to this the Herculean nature of the task, and the dearth of men able and willing to undertake it. It is perfectly chimerical to expect much from a paid staff of translators, and we have had early experience of the utter futility of such attempts. In a letter to the Bombay Government in 1832, the Board of Directors allude to this subject:—"There is but one part of your arrangements which appears to us not to work well. We refer to the mode hitherto adopted for supplying school-books. In five years, from 1826 to 1830, the works published by the Society have cost the Government Rs. 97,223. Government, moreover, pays Rs. 14,400 per annum for the Native Education Society Establishment, and gives prizes for translations (Rs. 32,700), so that, exclusive of the Dictionary, the total charge to Government has been Rs. 201,923." And all this expenditure without any substantial results; indeed, the printed works were proved to have been worth less than the paper on which they were printed. We cannot, then, too strongly condemn the spasmodic efforts to create, on short notice, a vernacular literature, or rather vernacular literatures, for even in the Bombay Presidency there are not less than three languages spoken by large portions of the population—the Mahratee, the Guzeratee, and the Kanarese. The only efficient mode of developing such literatures, if they ever are to develop, would be first to raise up a large body of native youths thoroughly

conversant with Western ideas and notions, and to leave to them the task of gradually cultivating each language, and enriching it with useful knowledge. We cannot however postpone our plans of education, or procrastinate them till the vernaculars would become fit media for high education—a result which is to follow and take place through the successful working of those very plans.

We thus perceive the necessity of entirely discarding the vernaculars for the purposes of a high education, in which case we are obliged to fall back upon English. But here we are told that the difficulties in the way of the employment of English for our purpose are more insurmountable still. To borrow the words of one of the Vernacularists themselves, "To instruct the natives of India in European literature and science, through the medium of English, is obviously impracticable, because experience shows that natives who speak English well and can even write it with tolerable accuracy, cannot read and understand the commonest English work; the fact is, that they have learnt words but not ideas." The Minute from which this extract is taken is dated 1846. Now, eleven years ago we had the evidence of Macaulay, than whom none was more qualified in every respect to form an opinion on the subject. And here is what he says: "It is taken for granted by the advocates of Oriental learning, that no native of this country can possibly obtain more than a mere smattering of English. This is not merely an assumption, but an assumption contrary to all reason and experience. We know that foreigners of all nations do learn our language sufficiently to have access to all the most abstruse knowledge which it contains, sufficiently to relish even the more delicate graces of our most idiomatic writers. There are in this very town (*i.e.* Calcutta), natives who are quite competent to discuss political or scientific questions with fluency and precision in the English language. It is unusual to find even in the literary circles of the continent any foreigner who can express himself in English

with so much facility and correctness as we find in many Hindus.' And we may say, without much fear of contradiction, that the correctness of this judgment has been uniformly verified by all our latest experience. There remains one other objection to the rejection of the vernaculars, and to the employment of English, namely, that we would thus throw away the only means of communicating to the masses of the people the superior knowledge acquired in English colleges. In the first place, the objection ignores the necessity to which we are reduced by the hopeless poverty of the vernaculars themselves, and assumes that, when we cannot civilize all at once, we ought not to civilize any portion of them. In the second place, we do not entirely reject the vernaculars. They would, of course, be taught in all the English schools. And the same remark would hold good with respect to the classical languages, Sanscrit and Arabic. We would put them down in the curricula of our English universities, as, perhaps more prominently than they are put down in those of the Universities of Bonn and Paris.

To sum up the conclusions at which we have arrived, namely:- 1. That the nature of the Anglo-Indian connexion obliges us to subordinate the question of Popular Education to that of a superior Liberal Education. 2. That in case of there being a want of means to carry on both objects concurrently, preference was to be assigned to the latter over the former. 3. That the vernaculars of the country were unsuited to become the vehicles of the requisite high education, and that, consequently, English was to be the principal medium of imparting knowledge.

These conclusions were not, however, unanimously acquiesced in by the Board of Education, and at the time of its dissolution in 1854, the state of educational affairs in the Presidency was characterized by no marked traits in favour of one system or the other. All that the President, Sir Erskine Perry, had been able to

do was confined to preserving the original impulse given to English education in 1827. The consequence was, that neither English schools nor vernacular schools were what they ought to have been, and the small annual sum of £15,000 at the disposal of the Board, instead of being judiciously laid out on a few well-defined permanent objects, was frittered away in attempting too much. There were 203 vernacular schools, attended by 20,000 scholars. The state of these schools was, however, by no means promising, in spite of the large sums expended in procuring zealous superintendents and a better race of schoolmasters and schoolbooks. They never advanced beyond imparting an elementary knowledge of reading, writing, and arithmetic. Above them, but not in any order of natural development, there were about 12 English schools in some of the principal Presidency towns, and two high schools or colleges at Bombay and Poona respectively, and a Medical College at Bombay, mustering in all about 30,000 scholars. Though cramped for want of means to obtain qualified schoolmasters, these schools, so far as they were allowed to go, seem to have proved a decided success. They went far towards giving a sound education in the English language, mathematics, history and geography, political economy, and moral and mental science. Some of the men turned out by the Elphinstone and Poona Colleges, though wanting perhaps in accurate, thorough scholarship, were deeply read in Western literature and science, and came out imbued with an earnest desire for inquiry and improvement. To the activity of their awakened minds we owe several beneficial institutions which still bear fruit, giving the surest testimony to the usefulness, and the consequent necessity of the system of which they were the results—libraries, literary societies, societies for delivering elementary lectures on scientific subjects, societies for the diffusion of information in the vernacular languages, establishments for printing elementary treatises and periodicals. And to them also belongs

the honour of having made the first movements towards founding girls' schools, and even acting as schoolmasters without any remuneration. And last, not least, they commenced efforts to shake loose the heavy shackles of superstition and idolatry, the first of which were gnawing into the very vitals of society. Here a phenomenon appeared well worthy of observation. As these men were drifting about in a sea of doubt with respect to their positive religions, their morality, instead of being shaken, appeared to derive additional strength and intensity, as if their intellects were exerting themselves to fill up the gaps daily becoming more apparent in the crumbling edifice of Faith. And these honourable spontaneous efforts were by no means tainted with the vice of an overweening assumption of superiority. An observer on the spot thus speaks of them: 'It ought to be said in justice to the youth of Bombay, that extremely little of the flippancy and self-conceit which has appeared in other parts of India, has shown itself among them.'

These results were, however, more satisfactory as proving the capacity of the natives to avail themselves of the new culture, than for their number or intensity. In one respect, indeed, the experiment had surpassed expectation. The success of the Grant Medical College (teaching English medical science in the original language) was almost perfect as far as it went. It still produces a body of men, little, if at all, inferior to those produced by any of the medical schools of Europe. The success arose from a happy combination of correct principles with a full, thorough organization. This organization was, however, wanting in the case of the schools and colleges above spoken of. And the sad effects resulting therefrom came out strongly in a general examination held in 1854. A considerable amount of failure was owing, no doubt, to an inevitable reaction after the hard-strained efforts which had been brought to work upon them. But still the fact was

patent that the system was deficient in definiteness, vigour, and discipline. The colleges and the schools were not working harmoniously, the one to supplement the other. Neither of them had complete staffs of efficient teachers and professors. There was no system of tutorship in the colleges, and the students were left very much to learn what they liked. And there was another defect which prevented them from ever accumulating and consolidating their strength—a universal want of resident schools and colleges. Perhaps in European countries, where the educational atmosphere has spread itself even outside the pale of the public schools and universities, residence and terms-keeping has done its work, and is no longer indispensable to a thorough education. But in India, where the educational atmosphere itself is yet being formed, where the inner educational world has not yet developed and utilized all its resources of mental inter-communication, where the outside world is still choked with stagnant exhalations, there is a crying necessity to prevent any waste of mental energy, by allowing it to be attenuated by constant distention, and to be daily diluted, and even adulterated by the surrounding uncongenial atmosphere. And there are special reasons, of which not the least important arises from the ordinary scantiness of social intercourse in the country. The foundation of a school and university *esprit de corps* would go far towards originating a national *esprit de corps*, which would work powerfully upon the estrangements of caste and creed, and melt them under the warmth generated by the healthy collision of young minds.

These were some of the principal facts elicited by an experience of about forty years, when, in 1854, the Court of Directors thought the time had arrived for a safe induction of general principles, and the promulgation of a universal, definite system of education founded thereupon. They issued their Dispatch of 1854, which, as I have said above, is at present the great charter of the

educational interests in India. It has now been in operation for twelve years, so that we are now in a favourable position to examine it, observe its merits and deficiencies, and indicate the reforms and alterations which it needs, by the aid of the experience which has tried it, and still tries it, as well as by the experience which produced it.

In performing this review, it will be well if we realize to ourselves the threefold attitude in which the English Government stands towards the subject of Indian Education. First of all, there is their position as governors of the country, in which capacity they may be said to combine the characters of absolute monarchs and the principal State dignitaries. The encouragement to education and learning expected from them, as such personages, cannot certainly be less than the encouragement, for instance, freely and liberally awarded to it in England by the Plantagenets and Tudors and their great bishops and chancellors, the Wykehams, the Waynfletes, the Wolseys, and other names still honoured and remembered in the stately halls of the Universities of Oxford and Cambridge. The advance of modern ideas develops this position into one of higher responsibility, by entailing the obligation of greater comprehensiveness and fuller organization. In the second place, they occupy the position of the great landlords of the country, thus charging themselves, in respect to education, with duties similar to those obligations, for instance, on the English aristocracy and squiredom. Thirdly and lastly, they stand out in a position prouder and nobler than any position as either monarchs or landlords, in that of the apostles of a civilization infinitely superior, materially, morally, and intellectually, to the indigenous civilization of the country. Reflecting higher glory, such a mission, however, requires higher sacrifices, demanding strenuous exertions to overcome the contrary forces of national repugnance, and the apathy and inertia of long-continued ignorance.

Let us now proceed to see how far the high duties arising from this threefold attitude have been recognised and carried out in the educational measures directed by the great Dispatch of 1854.

I. Before any considerable extension of educational efforts could be carried out, it was necessary to provide adequate machinery for its administration and superintendence. The Dispatch wisely abolished the amateur councils and boards of education which had hitherto prevailed, and substituted a public department of education, with an officer at its head, denominated the Director of Public Instruction. In the Bombay Presidency, the successful working of the department, and the capability of further improvement which it has lately shown under its present zealous and energetic head, has proved the judiciousness of the policy which established it. If any reform can be suggested, it is the reform of a further development, of opening the field of a greater and more authoritative usefulness, by assigning to the Director a seat in the Executive Council of the Governor. Such a step is strongly recommended by the examples afforded by France and Germany, where the systems of public instruction have been carried to unprecedented efficiency.

II. The next measure was directed towards the perfection and systematic organization of the existing crude institutions for imparting a liberal education. In this respect, the Directors wisely availed themselves of the lessons which experience had taught them. "Before proceeding further," they say early in their Dispatch, "we must emphatically declare, that the education we desire to see extended is that which has for its object the diffusion of the improvements, science, philosophy, and literature of Europe, in short, of European knowledge." At the same time, they proclaimed the English language to be the principal, as being the most perfect, medium of imparting education, recommending, however, a careful study and cultivation of the vernaculars in all the

English schools. They perhaps erred on the side of exaggerated sanguineness when they thought the vernacular sufficiently advanced to be the media for the diffusion of the knowledge obtained in the higher schools. However, in pursuance of their main object, they directed the establishment of a graduated series of colleges and high schools, or what would be here called "Grammar Schools," with universities at their head, to test and examine their efficiency by conferring degrees. This measure has not been carried out, at least in the Presidency of Bombay, in that spirit of liberal thoroughness which ought to have characterized it. The blame of this attaches less to the local than the Home and the Supreme Governments, both of whom refused the necessary means for instituting a perfect system. The formation of the Bombay University, indeed, was successfully accomplished on the model of the London University, as a body for examining and conferring the well-known English degrees. Its charter and its examination standards were also mainly borrowed from the Calendars of the University of London, and with the exception of not requiring as indispensable all the chief classical and modern languages of Western Europe, its programmes have been as high as those of any University in England. And they have not been nominally, but in rigid earnestness enforced. Every year, notwithstanding, increased numbers flock to it. From the few who presented themselves for entrance in its first year, there are this year 550 reported as going up for matriculation. The attainments of its full graduates are now considered to be so high that the Senate have passed a resolution to ask its recognition at the hands of the English universities, and it is to be hoped that such a right of sisterhood will not be refused in mere pride or indifference.

The operations of the University, though triumphantly conducted so far as regards the depth and quality of the attainments which it tests and rewards, have been

circumscribed in extent, owing to the inefficiency of the measures for graduating a series of well-organized colleges and high schools. With a deplorable want of far-sighted liberality, they were left deficient in a number of essentials. It seems to have been forgotten that the desire of a liberal education was to be a forced growth, more even than that for a mere middling and elementary education, in a country where the opportunities for its employment in practical life were sadly wanting. It was conceived that the perception of the general enlightening benefits of a high education ought to be sufficient causes to instil an eager thirst for it among the richer classes. But these calculations have ever failed. The Hindus would never stir unless prompted by the impulses of a direct palpable self-interest. This has been often bewailed as a strange phenomenon of Indian perversity unwarranted by any European experience. But is it so? Has it really been that in any country of Europe, however civilized, the desire of high education for its own sake has preceded and not followed the demand of such education for direct worldly advancement? More especially, has it ever been in England that such high-flown sentiments obtained among a nation priding itself upon its intensely practical character? No, not even in France, where the people have shown themselves capable of generalizing wider views of life, and adopting deeper principles of conduct than in any other country of the world, has such been the course of events. We cannot but then deplore the premature haste with which the high educational institutes were cast away from the fostering hands of Government. The colleges and the high schools were left almost as imperfect as they were before 1854.

The Elphinstone College, far from being raised into a residing college, was left unprovided even with a building, and it is only lately that the exertions of its late principal obtained funds for that purpose from private liberality. Another more palpable deficiency was left unremedied—

the providing an efficient teaching staff. The last Educational Report complains bitterly of this circumstance. 'Connected with the whole University of Bombay,' it says, 'which is the fountain-head of science and literature for fifteen millions of people, we have not a single professor of history, nor of Latin, Greek, Arabic, or Hebrew, though every one of these subjects is entered in the University list of subjects for examination. And in almost all of them numerous candidates are constantly presenting themselves. There is only one professor of chemistry, and no professor of geology, or astronomy, or applied sciences, or even of Indian Law.' It is to be earnestly desired that the Head Government will take some cognizance of this state of facts, and provide means to obviate it. In connexion with this we may also notice the scheme proposed by Sir Alex. Grant, for the constitution of a small covenanted educational service, so that a supply of competent men for the higher appointments may be insured on certain principles, and sufficient inducements offered to attract them. Though rejected by the Government of India, in spite of the recommendation of the Bombay Government, the Secretary of State for India has promised last session to give it his best consideration, and we may be allowed to express a hope that the promise will be redeemed ere long, and in a manner favourable to the educational interests of Bombay.

III. The third principal measure directed by the Dispatch was aimed towards the provision of middle-class and elementary education. The Directors profess to attach the greatest importance to this subject, more than even to high-class education. But as the pitch of their language is always considerably toned down in practice, their exaggerated words have led to popular education receiving only its proper consideration, though, comparatively with high education, far more than its due. The last Report speaks of the Bombay Presidency as being strong in vernacular education.

This has been owing very much to the operation of what is called the local cess, or a small surcharge of half per cent., on the local revenues, for application to educational purposes. The latest returns give the numbers of 172 middle-class, and 1,357 vernacular primary schools, with an attendance of 23,150 and 79,189 pupils respectively, making a total of 1,529 schools and 102,339 pupils. There are, besides, about 35 aided schools, with about 2,800 pupils; and coupled with the representation of the efficiency of the schools as being fair on the whole, we may consider this state of things as nearly satisfactory for the time that has passed since 1854.

IV. The fourth, I may say the last great measure of the Dispatch, is directed towards making provision for the maintenance of the system which was sketched out. And here the Directors fell into a blunder which has been the principal cause of the unsatisfactory state of the higher educational institutions to which we have adverted above. After working themselves up in to a belief of 'the impossibility of Government alone doing all that must be done in order to provide adequate means for the education of the natives of India,' the Dispatch commended the introduction of the system of Grants-in-Aid.

It is the peculiar misfortune of India that she is liable to suffer from a double set of errors of the most opposite kinds. She is debarred from the benefit of the English institutions which she has urgent need of, while others are forced upon her which are entirely unsuited to her circumstances. All the conditions which recommended the introduction of the Grants-in-Aid system in England are wanting in India—(1) the wide-spread perception of the general and special advantages of education; (2) the existence of a complete and richly endowed set of colleges and grammar schools; and (3) the necessity for the recognition of a denominational system of education. This entire want of analogy was entirely submerged in the solicitude to be as economic as possibe—if the timidity which shrinks from investing on reproductive works is to

be called economy. In the case of middle-class and primary education the strenuous exertions of the Department of Public Instruction have preserved the system from utter failure, though even in respect to these the reports of the inspectors state, as more successful, the operation of the local cess, or what ought to be called a local education rate on landed property. For the promotion of high-class education, it has been, as we have shown above, simply a nullity. It is high time therefore, that, at least so far as this principle is concerned, the Dispatch be reconsidered and modified in the light of the experience we have obtained. The expenditure on education in the Bombay Presidency is certainly not so extravagant that moderate increase should be a matter of complaint. There is a paragraph in the Report of Public Instruction for 1866-7 so clearly setting out this point, that I will make bold to extract it. "The total Imperial expenditure," it says, "on education, science and arts, taken for twelve months, gives an annual rate of Rs. 945,340 for 1866-7, standing out against Rs. 932,184 actually expended in the official year of 1865-6. The rate of expenditure for the past and the present year appears nearly stationary, and, when compared with the estimated revenues of the Bombay Presidency for the current year,—*viz.*, Rs. 87,593,700 (*i. e.* nearly £8,000,000), it appears to bear the ratio of $1_{T\frac{1}{2}}$ per cent. to the Presidential revenues. This proportion must be admitted to be small, especially when it is considered that in England the Parliamentary grant for education was £1,030,600, which, on an Imperial revenue of £68,000,000 gives a proportion of more than $1\frac{1}{2}$ per cent., and that the English public grant is almost entirely for subsidies to primary schools; whereas, in this country, the education of the people implies not only the diffusion of primary instruction, but also the introduction of higher learning and science, and the doing for India all that the richly endowed universities and ancient grammar schools, and centuries of refinement have done

for England. Were 2 per cent. per annum on the Presidential revenues allowed to Bombay, the whole aspect of the department and the universities," continues to say Sir Alexander Grant, "might, in my opinion, be speedily changed for the better." Surely, we might add, this is not asking too much from a Government which, as we have seen, combines the threefold character of sovereign, landlord, and civilizer.

Before concluding this paper, sir, I will task the indulgence of the meeting a little more, for the purpose of seeing if we can apply the knowledge that we have obtained of this system of public instruction to the consideration of the proposal respecting the Indian Civil Service, lately laid before the Secretary of State for India by a deputation from our Association. Of the two schemes,—one, for founding scholarships to enable a certain number to come over to England and offer themselves for examination; and another, for transferring a portion of the Indian Civil Service Examination to India itself—the former has found favour, both with the press here and the whole English press in India, while the latter has been deprecated or denounced as premature and dangerous. Their arguments have been chiefly these: (1) That it is of infinite importance that Indian youths should visit England and breathe the atmosphere of its knowledge and enlightenment; and (2) that there is a danger of deterioration in the examination standard, if the examinations were to take place in India. I must be pardoned for saying that these arguments betray ignorance of the real cause why the clause in the Queen's Proclamation, opening the Service without distinction of colour or creed, has hitherto been a nullity, and ignorance of the state of educational affairs in India. Is it that the want of means has prevented the Hindus from flocking to England? And, when means have been laid at their very doors, how many have come forward to avail themselves of them? We must here take care not to confound the Hindus with the Parsees, who are

simply a handful in a population of millions, and the majority of those whom we see here are of the latter, not of the former race. Indeed, we have very significant experience on this whole point. About three years ago, Mr. R. J. Jeejeebhai endowed five fellowships, worth Rs. 30,000 each, for enabling five young men to proceed to England for the study of law. Of the three apportioned to the Bombay Presidency, one was for a Hindu, the other two being for a Parsee and Portuguese respectively. And how many Hindus do you think, sir, competed for this most magnificent provision? Not a single one, sir. The uneducated were withheld by the prejudices of caste and country, and the educated did not care to break abruptly some of the most sacred social and family ties, especially when the means of enlightenment were, to a certain extent, near at their hands. I do not wish to depreciate in the slightest degree the immense benefits to be derived from a visit to England. But we must not forget that in India itself there are at work, on the Hindu minds, those very English elements which go towards the formation of the inner strata of English life and English society, in the English education which the natives are receiving, in the English literature which they are greedily devouring, in the English poetry which they are learning to appreciate, in the English history with which they are learning to sympathize. The strong Anglicising under-current which has begun running through the deeper intuitions of Indian students has not yet been noted and carefully observed. I will venture to say that in the natural course of transition phenomena, evolving extreme views and creeds, there will ere long be produced in India a body of men out-Heroding Herod, more English than the English themselves. Thus we see that, while on the one hand the proposed scholarships would simply prove illusory as to attracting the Hindu youths to England, the object involved in it is not wholly unprovided for in India itself. And, moreover, it would be a positive

blunder to draw young men early in life to receive their education here. High as is the value that has been set in this paper on English education, if educated young Indians are to devote themselves to the grand task of Indian regeneration more effectively and successfully than unsympathetic, unappreciating foreigners, this English education must have, as the subject for it to work upon, the substratum of Hindu prejudice, and Hindu superstition, and Hindu idolatory. Otherwise you annihilate their peculiar aptitude for their mission: you silence that voice of power which springs only from the consciousness of having once felt, and appreciated, and sympathized with the faiths and the creeds you now expose and denounce. But such would undoubtedly be the result if you immerse Indian youths for the best part of their lives in a purely English atmosphere.

If the Secretary of State for India is desirous of redeeming the promise of equality, loudly made in the Queen's Proclamation, let us entreat him to adopt the only alternative worthy of an honourable and magnanimous nation.

And what an impulse and energy such a step would impart to the whole educational system. A writer in the *Revue des Deux Mondes* who might very well represent the whole French nation, asks, in somewhat fanciful language, 'si les colléges de l'Inde forment, s'ils ont déjá formé des hommes qui, sous les vôtements flottants de l'Hindou et le teint d'Othello, tiendraient dignement leur place sur les bancs d'une assemblée politique européenne, sur le siége du magistrat, dans la chaire du professeur, dans l'état-major d'uno armée, au milieu des sociétés polies, élégantes et éclairées d'une grande capitale?' If the above large-minded policy were pursued, it would not be long before England could proudly point to India before the face of the whole civilized world in answer to this demand.

ON THE GRANT-IN-AID SYSTEM IN THE PRESIDENCY OF BOMBAY.

[The following paper was read by Mr. Pherozeshah M. Mehta at a meeting of the Bombay Branch of the East India Association on the 22nd of December 1869, with Venayekrao Juggonthjee Sunkersett, Esq., in the Chair.]

When I read my paper on the Educational system in the Presidency of Bombay before the East India Association in London, I found myself under little or no necessity of vindicating the morality or policy of educating the natives of India. It seemed to me that I should have imposed on myself a work of pure supererogation, if I had undertaken any such task. I should have been slashing and fighting away at Quixotic phantom-giants. Only a little while before, a book had been published which, though its writer modestly judged it a *siccissimus hortus*, yet was hailed from all sides as containing an admirably trustworthy and genuine brew of the concentrated quintessence of "the Ideas of the Day on Policy." On referring to its chapter on Indian Policy, I found that Mr. C. Buxton had thus described the leading idea on the subject:—"The great principle which distinguishes our government of India from that of almost any other dependency by any other conquerors, is the idea that we are to govern her, first and foremost, not for our own good, but for that of her own people. Despite many exceptions and many drawbacks, this noble principle has been strongly grasped by the British rulers of India, and has in very truth been the life-blood of their policy." At that time my own studies and observations had all combined to verify this description. Since my return, however, to this country, the conviction has forced itself upon me that the party which ridicule this principle as based upon a hysterical system of sentimental morality, and sometimes condescend to warn both their countrymen and ourselves on the terrible results of so self-des-

tructive a policy, is not a very inconsiderable or uninfluential section of the Anglo-Indian community. It is true that they do not represent, so to speak, the *party "in power"*; but they certainly form a very compact and powerful "*opposition party*." They systematically set their face against all measures at all calculated to train the natives of India up to the highest standard of the civilization of the day. They condemn in no measured terms the impolicy or inexpediency of imparting a liberal education to them. They solemnly shake their heads at the progress which the educational institutions have already made. They are overborne—perhaps more with sorrow than with anger—at the dimensions which the educational budget has already been allowed to assume to the detriment of works of more solid and undoubted utility. Their cherished ideal of government in India is a perpetual strong-handed patriarchal government which would assure to each of its subjects or slaves a modicum of the primitive happiness of the golden times, *i.e.*, "The happiness of beasts with lower pleasures, and of beasts with lower pains," to paraphrase it in the language of historical reality.

I have referred to the existence of this party—Jesuitical in its aims and opinions, without the Jesuitical organization—not with any object of undertaking a refutation of their creed, of pointing out to them that, if they studied the comparative history even of Western civilizations, they would find that the fallacies on which all their arguments and their reasonings depend, have been long since exploded; that the only difference between the inbecile morality which they deride and the practical expediency which they invoke, is only one of degree, inasmuch as morality is the expediency proclaimed, not by the partial and narrow-sighted view of life taken by individual presumption, but the expediency woven into the very warp and woof of the growing web of civilization by the tentative and slowly-maturing cumulative experience of generations after generations—in short,

that morality is far-sighted expediency; nor of proving to them that the maxim is applicable with respect not only to the relations of private life, to the relations between private families, but also to the larger social relations of that larger community of nations.

My sole object in referring to them is to state from the beginning that this entire paper rests upon the assumption that it is the *duty* and *interest* of the English rule in India to initiate the natives into the fullest and highest mysteries of modern civilization, and to promote a system of public instruction commensurate with this aim.

Starting from this point of view, it would be ungrateful to ignore or deny the great efforts that have been already made, and the great results that have been already achieved, in the cause of the advancement of native education. Especially we mnst not forget that when the problem was first taken into hand, there were formidable objections to be overcome; there were uncertain experiments to be hazarded. The first forty years may be characterized as years of groping and stumbling in the dark. In the year 1854, however, it was thought that the time had arrived for a safe induction of principles, and the inauguration of a system founded upon them. The great Educational Dispatch of 1854 was accordingly issued. I propose in this paper to discuss one of its main features, *viz.*, the Grant-in-Aid system which it introduced in India.

The Despatch was not unworthy of that peculiar body of statesmen from whom it emanated. It possessed not a few of the merits of a weighty State document, carefully meditated and carefully worded. Its review of all the past experience on the subject was just and impartial; it summed it up in a series of clear, concise utterances at once weighty and dispassionate. It traced with a sure and rapid hand a system for the future, perfect in itself and in all its parts. Thus it conferred an incalculable benefit on the cause of Indian education by

pronouncing for the primary introduction of Western literature and science, as against the antiquated, though valuable, lore of the East. It closed the long-continued controversy between the Anglicists and the Vernacularists by declaring for a proper co-ordination of both the English and Vernaculars of the country. It directed a departmental organization for public instruction, without altogether discarding the aid and advice of the amateur boards and councils which had till then reigned. It propounded a regularly developing series of elementary schools, high schools and colleges, and crowned the whole edifice with a university.

While laying down such a comprehensive programme of public instruction, the Despatch almost rises into a sort of grave eloquence not devoid of a generous enthusiasm. But one step more, however, and the comprehensiveness is forgotten, and the enthusiasm wanes away. With merits which we have pointed out above, essentially English, the Despatch, as soon as it proceeds to devise ways and means to carry out its vast scheme, is marred by faults also essentially English. It no sooner promulgates its sanguine and symmetrical programme than it hastens to impress the "impossibility of Government alone doing all that must be done in order to provide adequate means for the education of the natives of India." It complacently congratulates itself upon the progress which has been already made, and the satisfactory state of most of the schools and colleges already established, particularly that of the institutions for the higher classes of education, *i.e.*, institutions where value is rather speculative to the *soi-disant* practical people, and whose cost is considerable. It soon works itself up into the belief that all that is really necessary to be done could be done by a system which would enable the Government to dole out its pecuniary grants most slowly and sparingly. And then the adoption of the Grant-in-Aid system, with respect to native education, was advocated by an argument irresistible to an English mind. "It has been carried out *in*

this country,' says the Dispatch, 'with very great success.' In his book on *The Study of History*, Lord Bolingbroke has remarked that 'There is scarcely any folly or vice more epidemical among the sons of men than that ridiculous and hurtful vanity by which the people of each country are apt to prefer themselves to those of any other, and to make their own customs and manners and opinions the standard of right and wrong, of true and false.'

Driven by these powerful motives, the Dispatch grasps hold convulsively of the Grant-in-Aid system, and proclaims it the best thing in the world for the just and proper promotion of native education.

I have said in my former paper that it is the peculiar misfortune of India that she is liable to suffer from a double set of errors of the most opposite kinds. She is debarred from the benefit of English institutions, which she has urgent need of, while others are forced upon her, which are entirly unsuited to her circumstances. In the present case the bitterness of the reflection is not assuaged by the conviction that even in its native country the days of the Grant-in-Aid system are probably numbered, and the reasons which recommended its introduction there will sooner or later, perhaps, cease to exist. However this may be, it is not difficult to show that the conditions which alone justified the trial of the system in England have never existed, and do not exist, in India—*viz.*, 1stly, the wide-spread perception of the general and special advantages of education; 2ndly, the existence of a more or less complete and richly endowed set of colleges and grammar schools; and 3rdly, the necessity for the recognition of a denominational system of education.

I. The absence of the first condition will be hardly denied by Englishmen, whose sole justification for a conquest has been said to lie in that very circumstance, by an impartial critic like Mons. Louis Blanc. But, in truth, the perception of the direct and indirect enlightening benefits of a general, particularly a general liberal

education, is very faint indeed among the mass of the natives of India. The old systems of society and government never allowed any large scope for it. And since the advent of the English, its growth is still in its infancy. At any rate, it is not so far advanced as to induce people to invest money to any large extent in profitable educational institutions, especially of the higher order. And it is very rarely indeed that in any other country of the world high schools and colleges have been started by private enterprise, except at distant intervals of time.

II. This brings us to the second condition we have laid down. The trial of the Grant-in-Aid system was possible in England, only because it then already possessed grammar schools and colleges, magnificently endowed by some of its old liberal monarchs and State dignitaries. And perhaps it is not totally uninstructive to remark here that even these endowments were founded more with a view to the promotion of theological zeal, than from any appreciation of the unmixed benefits of education as education or mental cultivation. But, however prompted, there they were, these fine establishments, for purposes which, though they might have been originally collateral, were now at least the principal ones. Now, what did the Directors find corresponding to them in the Bombay Presidency when they issued their Dispatch? We shall give them the benefit, or otherwise, of reviewing the principal schools and colleges established by Government—not as they existed in 1854, but as they flourish at the present moment. Now let us take first of all the high schools, which, according to the programme sketched out in the Dispatch, were to teach up to the Matriculation standard of the University. They would then correspond to the great public grammar schools of England, such as Eton, Rugby, Harrow, Winchester, &c., or to the Lycees of France, such as some of the great Lycees of Paris—Louis the Grand, Napoleon, Saint Louis, Bonaparte, &c. Let us now compare the state of our high schools with that of one of these schools, *e. g.*,

the Lycee Saint Louis, so ably portrayed by the masterly hand of Mr. Matthew Arnold. A French Lycee will serve better for our purpose than one of the English grammar-schools—for there is an organization and precision about the former, of which the latter are mostly devoid. As our schools will be more easily described by negatives, we shall take the principal features of the Lycee and see if we can trace them in our schools.

The Lycee Saint Louis, first of all, is located in a handsome, commodious, and comfortable building, admirably adapted to meet all the wants of a school of 800 boys. Its sanitary arrangements, its conveniences for recreation and exercise are carefully looked to, though entailing heavy expense on the Government. Now, to take the largest of our High-school buildings, that of the Central school—the most that could be said of it would be that it got built up somehow, and therefore let it stand. There are repeated complaints in the Director of Public Instruction's Reports of its being in a ruinous state. It hardly accommodates all its pupils, much less the numerous candidates who are qualified to enter it, but are obliged to be refused for want of space. As to sanitary arrangements, there are none; and the same remark may be repeated as to any arrangements for recreation and exercise. Some of the Mofussil High schools have lately been provided with new buildings. But it seems as if the designs were got made for them under the imperative condition that there should be four walls and a covering on the top, and nothing else.

Next, Saint Louis is a complete boarding-school, which our schools do not even pretend to be. There was some excuse formerly for not venturing upon the experiment of resident schools; there were grave reasons for doubting their eventual success. But now that it has been abundantly shown, *e. g.* in the Elphinstone and Deccan Colleges, that facilities for residence in the schools themselves, under certain conditions, are eagerly demanded and would be largely availed of, there is not a

vestige of an excuse for any further delay in taking the necessary steps for establishing at least a few model boarding-schools. Independently of educational reasons, there is a social and a political necessity for boarding-schools in India. As I have said elsewhere, the formation of a school and university *esprit de corps* would go far towards originating a national *esprit de corps* which would work powerfully upon the estrangements of caste and creed, and melt them under the warmth generated by the healthy collisions of young minds.

We shall now compare the teaching staffs of the Lycees and our High schools. It is now generally admitted on all hands that the efficiency of a school depends, in a great measure, upon its teaching power. France makes provision for this urgent need in its famous Ecole Normale Supérieure. "Its pupils at present number 110; they are all bursars, holding a scholarship of £40 a year, which entirely provides for the cost of their maintenance. The course is a three years' course. To compete, a youth must, in the first place, be over eighteen years of age, and under twenty-four; must produce a medical certificate that he has no bodily infirmity unfitting him for the function of teacher and a good-conduct certificate from his school. He must enter into an engagement to devote himself, if admitted, for ten years to the service of public instruction, and he must hold the degree of bachelor of arts, if he is a candidate in the literary section of the school; of bachelor of sciences, if in the scientific." I may mention here that in the French schools no master or professor is allowed to teach in any other subject except that in which he has qualified himself. The successful candidates run a course of three years, as I said before, during which their intellectual training is carried to a very high degree, with a special eye for the future function which they are bound to undertake. The salary of a professor in a French Lycee varies from 7,500 francs or £300 a year, to 3,500 francs or £140 a year. In this manner France gets its teachers

picked out from the *elite* of the Lycees, and trained specially in the most elaborate manner. Let us look now at the other picture. Till lately there was no Normal school at all, unless we are obliged to designate as such some bungling attempts at "some such sort of thing," as Lord Dundreary would say. Since the transformation, however, of the Poona and Ahmedabad Vernacular Colleges into training schools, a more serious attempt may be admitted to have been made. But, after all, what are these training schools and colleges? For it must be remembered that Normal colleges are worse than useless, if they have not the best *matériel* of the schools and do not carry the training of the pupils to the highest educational standard that prevails in the country. The Poona and Ahmedabad training schools have no such conditions of entrance as we said above were exacted by the Ecole Normale. And no wonder, for they have got no such bursarships as at the Ecole Normale, which, as we saw above, "entirely provides for the cost of the maintenance of the pupils." As constituted at present, *i. e.* as ordinary schools of very modest pretensions indeed, they are useful in no other respect, except perhaps in that of teaching the experience of costly failures. And meanwhile the schools suffer from a universal want of efficient teachers. The posts of head masters are, some of them, held by university graduates of fair abilities ; all the other posts, badly remunerated, are filled by young men who hardly know anything more than the pupils they are called upon to train. The disorganized state of these schools, of which such repeated complaints are to be met with in the reports of the Inspectors, is fundamentally owing to this circumstance. Indeed it is a hopeless destiny for these schools, unless they permanently secure a more thoroughly disciplined and better paid staff of masters.

We may now proceed to the comparison of the programmes of studies. And here it may very properly be said that tables of matters *to be* taught afford a very

unsafe criterion, where there are no efficient professors to teach them. Still it is not without its use to *compare* the points which are attempted to be attained in these programmes. The programme of a French Lycee which, being fixed by authority, is the same throughout the whole country, is precise and definite. A Lycee has eight classes, of which the lowest two, *i.e.* the eighth and the seventh, would coincide with the classes of our "Anglo-Vernacular" schools, the rest with those of our High schools. To pass from one class into another takes a a year, and a boy may generally enter at the age of eight years. After this preliminary explanation we will take a rapid view of the programme itself. To borrow again from Mr. Arnold, who leaves us no escape out of his style, apt, pure, and crystalline: this is his description of it. "The very good exercise of learning by heart from the classics of the mother tongue, begins from the lowest class and is continued to the top of the school. Latin begins in the *classe dehuitieme*, and is carried further in *septieme*. After *septieme* begins another division. Here begins Greek and also the study of the modern languages. These may be English, German, Spanish, or Italian, according to the wants of the localities and the wishes of the parents. Drawing and singing are likewise obligatory matters of instruction in the French Lycees, and are not paid for as extras. Two hours a week are on an average given to each. Drawing is taught as a matter of science, not of amusement, and the pupil is carried through a strict course from outline up to ornament and model drawing.

"The fifth class reads our old friend Cornelius Nepos, but it reads also authors not much, I think, in use in our schools, Justin, Ælian, and Lucian. The division of lessons is the same here and in the sixth class; ten classes, as they are called, a week, and two hours of singing, one of drawing, and two of gymnastics. A class lasts two hours; so this gives (not counting gymnastics) twenty-three hours of lessons in the week. The classes

are thus divided: seven classes and a half (fifteen hours) of classics; one class (two hours) of history and geography; two half-classes (two hours) for modern language; one-half (one hour) for arithmetic.

"In *quatrieme*, Latin prosody in the classical instruction, geometry in the scientific, appear as new subjects. An hour less is in this form given to classics, an hour more to mathematics. An hour more is given to drawing.

"A divisional examination and the boy passes into humanities. In *troisieme*, Latin verse begins; and here, for the first time in the school, Homer appears. Among the books read in extracts by this form I noticed Terence, Isocrates, Plutarch's Morals, and the Greek Fathers. Mathematics now get four hours a week; history, which we have just seen dividing its class with geography, gets the whole two hours; geography and modern languages become additional lessons, the first with one hour a week, the second with two. Music is reduced to one hour. The number of lesson-hours has thus risen from twenty-four to twenty-six.

"In *seconde*, the same proportion between sciences and letters; but in sciences the programme is now algebra, geometry, and natural history, instead of arithmetic and geometry. The Agricola of Tacitus, the easier Dialogues of Plato, the easier Orations of Demosthenes appear among the books read.

"Then the boy rises into our sixth form, called with the French from old time not first class, but '*classe de rhetorique.*' In the mother tongue the pupil studies the Pensees of Pascal, the Oraisons funebres of Bossuet, La Bruyere, Fenelon's Lettreal' Academie Francaise, Buffon's Discours sur le Style, Voltaire's Siecle de Louis XIV., Boileau's Art Poetique and La Fontaine's Fables. Letters have eight out of the ten classes in Rhetorique, which is the great classical form of the school. Sciences have only one class divided between geometry and cosmography."

Whatever differences of opinion there may be on points of detail and arrangement, this is a programme which any system of secondary instruction may well be proud of. If we had some High schools at all professing to carry out such a scheme, we might well be justified in resting content with them. But is it so ? We shall allow some of the Public Instruction Reports to enlighten us on the point. We find the following in the Report for 1865-6. "Even were the High schools more universally efficient than they are at present as manufactories of matriculated students, I should not be satisfied" says the Director, "with this result. The High schools, in order to play their part, require to be characterized by a literary and classical spirit such as we find in the great public schools in England. They should send up boys to the Colleges not only just able to pass University entrance examination, but also imbued with a fair amount of English literature, and thoroughly grounded in the rudiments of Sanscrit or Latin (to which I would humbly add at least one of the two modern European languages, French or German)." "Up to this time," says another part of the Report, "men as a rule have seriously commenced their classical languages only after entering the College. It was hoped that before this the High schools would have made arrangements to enable their scholars to take up classical languages to their Matriculation examination. *As yet they have not done so.* No undergraduate has joined the College after having matriculated in either Latin or Sanscrit." In his Report of 1866-67, the Director remarks, "In speaking generally of the backward condition of the Government High Schools of this Presidency, I refer (among other things) to the raw and uncultivated state of even these passed (*i.e.* matriculated) candidates who come to the College with very little general knowledge, without taste or literary feeling, and generally without even the rudiments of a classical language; and next, to the inaccurate way in which English is taught in the High schools, as testified

State for the secular education they impart in their schools. In the first place, a complete system of State-education does not necessarily preclude every aid to private schools under certain conditions, for what we have been fighting against in this paper is not so much the partial or occasional application of the Grant-in-Aid system as against its systematic introduction for each and every educational want. In the second place whether the Missionary schools have any right in justice to such aid is a question requiring apparent consideration, for they are no portion of the people of the country who object to have their children taught in any but schools of their own persuasion. If some amiable and kind-hearted gentlemen are anxious to achieve the pious work of the salvation of the people of India, they will certainly not grudge the full expense of such a noble undertaking, particularly when, as forming part of the richest gentry in the world, they are fully able to bear the burden of it.

We may now conclude that the state of things which alone recommended the adoption of the Grant-in-Aid system in England does not meet us in India in any one single particular. We shall see, however, whether there are any special reasons advanced in the Despatch which rendered it specially desirable to introduce the system in India. In the first place, the Directors profess to discover and rejoice "over an increased desire on the part of the native population, not only in the neighbourhood of the great centres of European civilization, but also in remoter districts, for the means of obtaining a better education; and we have evidence," they say, "in many instances of their readiness to give a practical proof of their anxiety in this respect by coming forward with liberal pecuniary contributions." The Directors advance this assertion more emphatically with respect to the higher classes. Nothing could be more delusive and fallacious than this string of facts and argument. A growing desire to take advantage of educational facilities

is very far removed from the feeling of appreciation which prompts a person to endow educational institutions or to start educational enterprises. It might induce persons to invest money in the shape of fees; for we should not be understood to mean that the State schools should exact no fees from its pupils; on the contrary, we are strongly of opinion that the scale of fees should be steadily raised at opportune intervals of time. But the real question is different, and it is this, whether native enlightenment is advanced enough to found these schools of itself within a reasonable time. The Directors congratulate themselves upon the tendency already displayed in that direction. But here, again, the question is not that of a possibility of isolated endowments, but whether there are good chances of private liberality being able more or less fully to supplement existing institutions in the extensive system proposed by the Directors themselves in the beginning of their Despatch. As to the higher classes, if what is meant by them is the richer classes, so far from their displaying that systematic laudable appreciation, the signs of which the Directors profess to discern in 1854, but which have not discovered themselves even in 1869, except in certain exceptional times—the richer classes do not even come forward to give to their children the education which is provided ready for them. The Directors have fallen into the confusion of assuming that the higher education given in the Presidency is appreciated and availed of by the higher, *i.e.* the richer classes. But the terms higher classes and richer classes are by no means synonymous in India. The Brahmans, high in social and religious rank, have certainly been the most forward of all the classes in India to avail themselves of the institutions for higher education. But they are generally miserably poor. So that while the Directors disburthen their minds of all anxiety in respect to higher education on the strength of the ability and willingness of the higher classes, the facts

by the mistakes of idiom and grammar which cling to the University students throughout their career, and which only a few of the best graduates even ultimately succeed in shaking off."

After the High schools we come to the Colleges. It were useless to detain ourselves on as minute an examination of them as that we instituted for the schools, for it were chimerical to expect that anything pure could proceed from a tainted fountain-head, that good colleges should grow out of bad schools. But as if it were not enough—a tainted fountain-head, the channels should also be full of shoals and impediments. There are incessant complaints of both the Colleges being undermanned in teaching power. "Connected with the whole University of Bombay," says the Report for 1866-67, "which is the fountain-head of science and literature for fifteen millions of people, we have not a single professor of history, nor of Latin, Greek, Arabic, or Hebrew (*not to add from our own part, French or German, drawing, music*), though every one of these subjects are entered in the University list of subjects for examination. And in almost all of them numerous candidates are constantly presenting themselves. There is only one professor of chemistry, and no professors of geology or astronomy, or applied sciences, or even of Indian law." The last Report, *viz.* that for 1867-68, continues the same complaint. "The disproportion of teaching power to the number of students in Elphinstone College has," it says, "now become almost ludicrous." These revelations cannot be characterized in too hard terms, particularly when we find that the work of tutorship is not less feebly provided for.

After this rapid review of the state of the High schools and Colleges, we may safely assert that the second condition which we laid down for the justification of the Grant-in-Aid system, *viz.* the existence of a more or less complete and richly endowed set of grammar-schools and colleges, does not exist even at the present

day, and did not exist in the Bombay Presidency at the date of the issuing of the Despatch. Perhaps the Directors hoped the action of the system itself would go far towards creating such institutions for higher education. Now it is nearly fifteen years since the Despatch proclaimed the Grant-in-Aid system throughout India. And we have seen the results of its operations.

III. But even the existence of both the above-stated conditions would hardly have been a sufficient reason for the adoption of the system in England, had it not been imperatively forced upon its statesmen as the only means of reconciling the stubborn and bigoted pretensions of all its various religious sects which urged their rights in the sacred name of religious toleration. In England neither Churchmen nor Dissenters would consent to be taxed for State schools imparting a purely secular education. And both would have schools in which their own peculiar theological dogmas were an essential portion of the school programme. The only escape, therefore, from these conflicting bigotries was in a system which, accepting the various religious schools of the several sects, paid certain allowances for the secular education imparted in them.

Happily, however, in India this paramount condition had never any scope given it to do mischief. The principle of religious neutrality was firmly laid down and steadily recognized from the first. From the famous Educational Minute of Mountstuart Elphinstone, in which he resolutely said that "To the mixture of religion, even in the slightest degree, with our plans of education I must strongly object," down to the Despatch of 1854, which may be called the Educational Charter of the present day, there is the expression but of the same opinion and same policy on the subject. Before leaving this subject, it may be as well, however, to take the standpoint of the missionaries, and examine the argument that the cessation of the Grant-in-Aid system would deprive them of the small aids they derive from the

We have shown that the Grant-in-Aid system has totally failed in supplying a sufficient number of good private institutions for higher education. We have shown that it has equally failed in tendering assistance to the defective existing Government institutions for the purpose, and providing for their most urgent necessities. We have shown that it has not even so much as earnestly approached the problem of establishing an efficient Normal college. We have shown that it was obliged to be transformed into an educational fiction for the purposes of primary education. We could have gone farther, and shown that, even under the most favourable auspices, the system would fail to secure that invaluable systematic organization which allows no waste of money or intellect, which allows no isolated efforts to dissipate themselves by the ignorant repetition of experiments, and which loses no lesson of experience, and still is found compatible with the trained freedom of modern civilization. But here we are told by the advocates of the Grant-in-Aid system that, numerous as may be the faults and imperfections of their system, the difficulties in the way of superseding it by the other are more insurmountable still. "We cannot but be impressed," say the Directors, "with the almost insuperable difficulties which would attend such an extension of the present system of education by means of colleges and schools entirely supported at the cost of Government as might be hoped to supply, in any reasonable time, so gigantic a deficiency, and to provide adequate means for setting on foot such a system as we have described and desire to see accomplished." Elsewhere I have attempted to show the threefold attitude in which the English Government stands towards the subject of Indian education, *viz.* first, as rulers; secondly, as landlords; and thirdly, as the apostles of a civilization infinitely superior to the indigenous civilization of the country. But not to speak of the obligations arising from this threefold position, the gigantic difficulties of the task which the

Directors conjure up before their mind are very much exaggerated. We must carefully guard ourselves from falling into the confusion of supposing that the adoption of a system under the primary and direct support of the State would of itself immediately entail the establishment of a full-grown system, irrespective of any calculation of existing requirements; *e.g.* that it would entail the establishment of ten colleges, when the average number of students that might be expected to enter them could be accommodated in half that number, or that a hundred competitions should be opened for a Normal college when the real demand is only for fifty. What it would entail, and it is well to enunciate it distinctly, is this: that in the first place the State should establish such a framework of a complete co-ordinated system of primary schools, secondary schools, or, as we call them, High schools, Normal schools, general and technical Colleges and Universities, as, without being too elaborate, might be capable of expansion and development with the progress of the times; and secondly, that whenever an educational institution, say a High school, could be established in a certain locality, the Government should set about directly to supply the want with private, local, and other aid if it was forthcoming, without waiting for it if it was not; and further, that it should do so in a thoroughly efficient manner, without leaving it unprovided in any essential particular. If, without resting satisfied with the contemplation of the excellence of their own British institutions, the Directors had turned their eyes towards Germany, France, Italy, or Switzerland, they would have found that the giant had been thus approached, and had proved by no means so formidable as it had been imagined to be. With proper care and organization the supersession of the Grant-in-Aid system in favour of a system such as we have indicated above, would entail no extravagant increase of expenditure. For each of the three years, 1865-66, 1866-67, and 1867-68, education has cost here in the Bombay Presidency something less

are that the higher classes, meaning thereby richer classes, though undoubtedly able, are no less certainly far from being willing, to devote the superfluities of their wealth to cure the present Government educational institutions of all their defects, nay, hardly think seriously of bestowing high education on their children even at the cost of the State; while the higher classes, high by birth and intellect, though certainly willing to avail themselves to the utmost of all opportunities for receiving high education even at the sacrifice of moderate payments in the shape of fees, are certainly not able to found magnificent endowments for higher education.

There is, however, another argument advanced by the Directors in favour of the system. "It possesses the advantage," they say, "of fostering a spirit of reliance upon local exertions and combinations for local purposes, which is itself of no mean importance to the well-being of a nation." We cannot sufficiently commend the high-mindedness of the Directors in thus displaying their anxiety for the development of the spirit of local self-government in India. But is it not rather arguing in a circle to require that our educational plans should be delayed from being fully carried out for the sake of a result which is more likely to be realized through the successful operation of these very plans themselves? Nothing is more calculated to induce the instinct of self-government than a thorough liberal education of a high order. It may be said, indeed, that these things are examples of those concurrent developments which react upon each other in the double capacity of cause as well as effect. The argument would be faultlessly valid if it were urged in the case of a country whose civilization evolved itself out of its own original impulse. But in India the question is not that of an entirely original development, but of a development founded upon a foreign civilization, which is to a certain extent cut and dried, and ready at hand. Under such circumstances there is no wisdom in losing time, when you can, instead

of simply sowing seeds, engraft branches; when, instead of proceeding by a long circuitous route, you can at once establish a full-grown educational system, and thereby secure most expeditiously both the system and those habits of self-government on which the Directors lay, and most justly, so much value in their Despatch.

Before we proceed to draw the general conclusion of failure irresistibly suggested by these facts and arguments, it remains to see whether there has been any result in any direction from the actual operation of the system since 1854 which may be called favourable. The line of argument we have pursued has obliged us already to pronounce upon its working with respect to higher education. As to primary and popular education there is certainly good reason to believe the best, that it is the strong point of the Bombay educational system, that, at least, it is far from being in a very unsatisfactory state, though, perhaps, not quite so flourishing as it ought to be. Unfortunately, however, this very success is the condemnation of the Grant-in-Aid system; for this success was achieved only by the abandonment of the system; of course, not openly, but by a quiet metamorphosis. About the year 1864 the Bombay Government hit upon the simple expedient of procuring local voluntary contributions somewhat in the Tudor fashion of "levying benevolences." It directed the revenue authorities to collect what it facetiously called an extra voluntary land-assessment or education-cess of a per cent. or so. The Educational Inspectors are full-mouthed in their praises of the wondrous efficacy of this local cess. But what is in reality this mighty invention? Stripped of its mask, it is simply direct land-taxation for educational purposes. It would not be easy to find stronger practical evidence on any subject than this.

We have now, we hope, shown that the Grant-in-Aid system is unsuited to the educational wants of India, and we have by necessary implication asserted some of the merits of a more direct system of State education.

than nine and a half lacs of rupees, bearing a ratio of about $1\frac{1}{20}$ per cent. to the Presidential revenues. "Were two per cent. per annum on the Presidential revenue," says the Director of Public Instruction in his Report for 1866-67, "allowed to Bombay, the whole aspect of the Department and the Universities might in my opinion, be speedily changed for the better." If two per cent. could do so much, as we are told on such very trustworthy authority, we may easily see that direct State education would not, after all, be so very expensive an affair. Even if it were a per cent. or so more, would it really be bad economy to pour a veritably vital life-blood into the shrunken veins of Indian culture at such a cost, and thereby, indirectly but surely, accelerate the buoyancy of the Indian revenues through a thousand unforeseen channels. If we look the question steadily in the face, undeterred by the fear of being condemned as flighty and unpractical, this is no visionary problem. There is no doubt that an intelligent and educated population is the best means of developing indefinitely the resources of a country. On the Continent this idea has of late gained immense ground. It was first started by those grand statesmen of the French Revolution, even as they were hurling defiance and armies at a coalition of almost all the crowned heads of Europe. And though the original plans of Condorcet and Robespierre fell through for the time, yet ever since France, Germany, Italy, and Switzerland, have been sparing no efforts, even in times of trouble and difficulty, to reconstruct their systems of public education under the direct administration, management and support of the State. And their educational budgets testify fully to this anxiety. It is well-known that in Switzerland education is allowed to cost something like one-third of the whole public expenditure. In 1865 the State expenditure in Italy on the whole of public instruction was, in round figures, £576,900, something like between 57 and 58 lacs of rupees. In France it was for the same year £756,725, or something like between

75 and 76 lacs of rupees. What valuable hints and lessons do these simple figures not give with respect to the position which the item of educational estimates ought to hold in the Indian budget? And then it must not be thought that these large sums were voted by those countries for their public instruction because they had flowing exchequers and superfluous surpluses. They were voted in times of deep anxiety, in the face of disasters political and financial. Nothing but a stern sense of necessity could have inspired them with hopes and courage to undertake such an expenditure for such a purpose. It was about the beginning of the present century, when all Europe was lying prostrate at the feet of Bonaparte, that Prussia began the organization of its public instruction on its present basis. France was groaning under the gigantic burden of her mighty wars and incessant revolutions when she undertook it. Italy was doing penance for the "sins of her fathers," the miserable grasping tyrants who had made her their prey, and were sucking away, like leeches, her very life-blood, till in 1860 they were swept off from her face by Garibaldi. Since her consolidation, Italy has been passing through financial crises of no ordinary magnitude; indeed, there can be no more striking proof of her faith in a State-system of public instruction than is afforded by the fact of the burden she has imposed on herself in that respect, while still struggling against large debts and incessant deficits. I have thus dwelt at length upon this point, because I am constrained to believe that it is the want of faith in the true efficacy and importance of education in the economy of national prosperity which has led the Government of India and the Home Government to ignore its claims to a larger share of expenditure. It underlies all the arguments advanced for their incessant refusals. For it must be stated, in justice to the Local Government and the Educational Department here, that they have been by no means ignorant of some of the defects of our educational institutions, and have lost no

opportunities of beseeching for means to remedy them. But a deaf ear has been turned to their most passionate appeals. I have no doubt that the people of England entertain a genuine desire to govern India on principles of the most liberal and far-sighted policy; and I firmly believe that, if only once they are brought to renounce their want of faith with respect to the value of education, we should soon see the reconstruction of our system of public instruction. England has been found capable of submitting even to immense pecuniary sacrifices, once she overcomes the mental sluggishness so characteristic of her, and acquires faith, rightfully or wrongfully, in the principles which demand them. We all know the enormous costs she voluntarily incurred for the emancipation of her colonial slaves, once she was convinced of the sinful impolicy of such an institution. Therefore, as I have said above, let the English people have once faith in the mission of education, and the days of the Grant-in-Aid system would be doomed for ever. And there is great hope of such a consummation at the present juncture, when a feeling of deep dissatisfaction has lately sprung up in England in regard to their own educational system, whlch is sure, at no considerable distance of time, to find utterance in their newly-reformed and larger-minded parliaments. Concurrently with the movement which inaugurated the system of international exhibitions, and appointed commissions for inquiry into the state of schools and colleges, English and foreign, a new generation has then sprung up with broader instincts and larger sympathies, which dares to penetrate beyond the conventionalism born of exhaustion, and to seek for deeper and more comprehensive insight into all social questions, and has the hardihood to propose them for practical application whenever their quest is crowned with results. Scouted at first as turbulent demagogues, or jeered at as dreamy enthusiasts, they have succeeded in rendering themselves a power in the State, under the leadership and countenance of such men as Mr. Mill for

their philosophical, and Mr. Bright and Mr. Gladstone for their political patriarchs. Under these circumstances, there is every likelihood of the whole question of education being earnestly taken up and elaborately dealt with by the present Ministers at an early date; and we may fairly expect that, if we urge our own humble but pressing claims through the agency of the East India Association, the Secretary of State for India may, under the stirring inspiration of a general agitation, be persuaded to supersede the Dispatch of 1854, and grant another educational charter of greater comprehensiveness and greater liberality. An imposing and systematic array of well-organized public establishments for education would in the long run do more for the consolidation of the British power in India than the dread of all the bayonets or needle-guns or chassepots at its command, which she may invent or imitate. They would represent the State, as Mr. Matthew Arnold has pointed out, 'in a striking visible shape, which is at once a noble and civilising one; giving the people something to be proud of, and which it does them good to be proud of'; and it would not be long after, we may say, that the alien origin of its authors would be forgotten in this pride and this civilization.

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Replying to the discussion on the paper, in which Dr. J. M. Mendoca, Mr. M. G. Ranade, Mr. Bal Mangesh Wagle, Mr. Thakurdas Atmaram, Dr. R. G. Bhandarkar, and Mr. N. M. Parmanand took part, Mr. Mehta said that, as the hour was waxing late, he would not attempt a long reply. His friend Mr. Ranade found fault with him for not doing justice to the magnificent programme laid down in the Dispatch of 1854. So far, however, from being guilty of any such thing, he had actually spoken of that programme in terms of the highest eulogy. What he found fault with was the way in which it was sought to provide for carrying out such a grand scheme. In the second place, Mr. Ranade had misunderstood the scope of his paper. He

had attempted an answer to this question, whether the Directors ought not to have and could not have hit upon a more efficient scheme of ways and means for carrying out their splendid programme. He had never denied that the Grant-in-Aid system had been able to effect *something*. But could not more have been done without any extravagant outlay? Mr. Ranade had objected that he had imported into the discussion of this question facts from the educational systems of the Continent. Now, was not a comparison of a number of existing educational systems more likely to prove instructive than confining yourself to only one set of precedents, as the Directors had done, *viz.* the English precedents? They might thus arrive at general principles, which might afterwards be modified to suit special conditions and requirements. With regard to grants to missionary schools, he was sorry Mr. Ranade had not thought proper to hear him more attentively before he criticised what he had said on that subject. While the Grant-in-Aid system prevailed, it was only fair and just that the missionary schools should be paid for the secular instruction imparted in them. What he had said bore reference to this only, that supposing it was resolved to supersede the Grant-in-Aid system in favour of a more direct system of State education, would the missionaries have any right to object to the supersession on the ground that they would be thereby precluded from receiving the small grants which they were receiving at present? He had answered that question in the negative; but that conclusion was by no means inconsistent with their present claims to Government aid. In conclusion, he hoped that a careful perusal of his paper, when printed, would tend to obviate most of the minor misconceptions which had originated during the course of the debate.

ON CLAUSE 6 OF THE EAST INDIA (LAWS AND REGULATIONS) BILL.

[*At a meeting of the Bombay Branch of the East India Association held at the Framjee Cowasjee Institute on Wednesday, the 27th of April, 1870, with Mr. Dhunjeebhoy Framjee Patel in the Chair, Mr. Phcrozeshah M. Mehta read the following Paper "On Clause 6 of the East India (Laws and Regulations) Bill."**]

I propose in this paper to discuss the bearing and utility of clause 6 of the East India (Laws and Regulations) Bill, now before the British Legislature. To divest the discussion of what is generally deprecated as a purely speculative or theoretical character, I propose to prosecute this discussion in comparison or contrast with another scheme for the accomplishment of the same end as that enunciated by Clause 6, *viz.* "The expediency of giving additional facilities for the employment of natives of India in the Civil Service of Her Majesty in India." The origin of this scheme which I propose to make use of in this manner is by no means of recent date. Traces of it are distinguishable in the great parliamentary contests of 1813, 1833, and 1853, on the Government-of-India Bills of those years. The scheme, however, in its modern form, is simply this :—to allow a certain number of Civil Service appointments to be competed for in India itself, say in its great Presidency towns, and to require the selected candidates to complete their education by a sojourn of about two years in England, the same two years which under the existing rules of the service are passed by selected candidates in the same manner.

It is not without considerable hesitation that I undertake such a comparative criticism of Clause 6. The clause combines in its favour the suffrages of some of the greatest Indian statesmen at home. Framed and proposed by a Conservative Secretary of State for India,

* See Act itself in the Appendix at the end of the paper.

Sir Stafford Northcote, it was taken up last year by a Liberal Indian Minister, the Duke of Argyll, with the hearty and unqualified approbation of another Conservative statesman, the predecessor of both Sir Stafford Northcote and the Duke of Argyll in the India Office—the Marquis of Salisbury, better known to us as Lord Cranborne—and is perhaps at this moment being carried through the House of Commons by an Under-Secretary of great promise and rising reputation, Mr. Grant Duff. To say that the framers and patrons of this measure are no less actuated by the noblest dictates of justice and humanity than distinguished for their high attainments and statesmanlike abilities would be perhaps to repeat what is already perfectly familiar to you all. Nothing but objections of a most grave and weighty character can therefore warrant the unfavourable criticism of a measure brought under such auspices. No slight defects or minor drawbacks should be allowed to militate against its favourable, even cordial reception. No mere difference of degree in the respective values of the two schemes proposed to be compared should be allowed much consideration. No such difference should be allowed to abate one jot of our gratitude for its positive value. But, after the most careful and anxious deliberation, I have been obliged to come to the opinion that Clause 6 of the Bill, if passed into law, is calculated to attain its object only at the risk of causing a fearful amount of mischief, which cannot easily be exaggerated. In itself, it embodies a measure of such a pernicious tendency that its rejection would be still beneficial in any event, though that rejection may involve the postponement of any settlement of the question for an indefinite period. It threatens to undo the most valuable results of the legislation of 1853 and 1858; it threatens to produce disorder and confusion in a department of the Indian Government, on which in a great measure depend the proper administration, well-being, and progress of India; it threatens to sow fruitful seeds of

discord between races among whom they are already by far too abundant. It is because I am firmly convinced that such disastrous consequences would inevitably result from the passing of this clause, that I feel constrained to undertake the ungracious task of criticising it.

The fundamental objections to this measure may be summed up under a few principal heads. They are,—1st, that it strikes a fatal blow at the principle of competition in the Civil Service of India; 2nd, that it revives and encourages the promotion of political jobbery; 3rd, that it destroys the unity and *esprit de corps* of the service; 4th, that it is unjust and demoralizing to the natives themselves.

I. In urging the first objection to this measure I am not unaware that it is not uncommon even at the present day to question and condemn the fitness and policy of the principle of competition with regard to the Civil Service of India. I am not unaware that there are people with whom the objection, so far from going against, is a positive recommendation in favour of the measure. I am not unaware that such is the view taken by the Duke of Argyll. In moving the second reading of a Bill containing a similar clause in the House of Lords last year, the Duke of Argyll expounded with his usual force and clearness the view he took of the matter. His Lordship spoke as follows:—"The Company, as your Lordships are aware, was deprived of its commerce by the Acts of 1813 and 1833, and when the succeeding twenty years had expired, and the Government of Lord Aberdeen had to consider what was called the renewal of the Charter, it was also considered whether it would not be expedient to assume at once in name as well as in reality the Government of India as the Government of the Crown. I well remember the discussions at that time; and I venture to say the main difficulty in our way was this: we did not know how to get rid of the patronage of the Company after it should have been removed from

the Directors. It was found that to open it to fair competition was the only expedient. There was indeed no alternative, for Parliament—with perhaps almost too much jealousy, through the ancient echoes still ringing on the ears of men on that subject—would not have tolerated the exercise of that patronage directly by the Crown, and if not by the Crown, by whom could it be exercised? It was therefore thrown open to competition. What may be the feelings of individual members of your Lordships' House I do not know, but I confess I have never been such a fanatic in support of competitive examination as to believe that that is the sole or in all cases the best method of getting the best men for the public service. But it is an escape from many difficulties, and when you have only a choice of difficulties, competitive examination gives on the whole a much better chance of success than the pure nepotism of the ancient Court of Directors; but the exercise of patronage when it is wholly removed from the danger of political jobbery or family nepotism is perhaps the very best mode of selecting men for the public service." In carefully examining this statement it is not difficult to discover that it is founded mainly upon two arguments. The first is a negative argument, *viz.* that it is not inherent in the very nature of patronage to degenerate in the long run into political jobbery. The second is the statement of an historical fact, *viz.* that the Act of 1853 did not introduce the principle of competition as in itself a better system than that of patronage, but as permitting the only escape out of the constitutional danger of vesting the patronage of the service in the Crown. Now it must be confessed that the Duke is not far wrong in his historical statement. Any one who reads the warm debates on the India Bill of 1853 cannot fail to perceive that most of the speakers who advocated the principle of competition were actuated in so doing more by the motive described by the Duke than by any appreciation of its superiority to the system of patronage. It must not be thought, however, that among

the framers and advocates of the Bill there were none who fully understood the entire scope and bearing of the new principle it introduced. There were two members, two of the greatest thinkers and statesmen that England has ever produced, who not only grasped the problem in all its length and breadth, but also expounded it with a force and eloquence but rarely surpassed. It will not be amiss to call your attention to their arguments, at a time when the principle of competition is not only directly assailed by its adversaries, but its positive value is but faintly understood or realized by its advocates. I will therefore make no apology for the lengthy extracts with which I am going to trouble you. Mr. Lowe, one of the two members I have just referred to, said: "That as regarded the Civil Service, he maintained that the course taken by the Government was beyond all controversy right. He should be grieved to see this Bill deferred if only because it would deprive India for years of the enormous benefits which would arise from the reform in the Civil Service. The Civil Service of India was very different from any other service. In the generality of cases an incompetent officer had other people to do his work for him; he was perhaps scolded a little, but could contrive to get on without doing any serious amount of mischief; but it was not so in India. The peculiarity of the Civil Service there was the vast, the tremendous amount of responsibility thrown upon every individual officer of the Government. Millions of people were completely under the control of one man, who had the power of inflicting misery on these persons; and under such circumstances it was a most sacred duty cast upon the Government to see not merely that the general average of officers was tolerably good, but that in the case of every writer sent out they obtained the best and ablest men this country could afford, and that they did not, for the sake of obliging friends and relations or any such reason, sacrifice one atom of the power of doing good towards the people whom Providence had placed

under their power. It was their duty to take care that every man sent out was as able as could be found within the four seas, and where they knowingly and wilfully sent out a worse when a better was at their disposal, they might be inflicting enormous evils on a people who had every claim on their sympathies and consideration. He had read the speech of a noble lord who with infinite knowledge, with infinite eloquence, and with infinite ingenuity, pleaded the cause of ignorance, and so persuasively, that he might say—'If I am to be persuaded I would be just as ignorant as to be as learned a teacher and no more.' That noble lord said that public examinations were the greatest absurdity; that they would get nothing but blockheads; that nothing was so bad as an over-educated man; and that they would be sending out only a number of pedants and schoolmasters. That was not the experience of that House or of the country. He would like to know who took the lead in this country? On whose lips did deliberative assemblies hang? To whose opinions did the public give heed? The men who had shone in public examinations, and carried off those very prizes which that most learned and eloquent nobleman so vehemently decried. . . . . Nothing was more distressing in the evidence that had been given before the Committee on India than the fact that the kindly feeling which had hitherto existed between the Europeans and natives whether in the army or Civil Service was on the decline—that there was not the same sympathy between them. In his opinion nothing was more likely to correct that want of sympathy than an improvement in the intellectual standard of those to whom they entrusted the management of the natives and the government of the country; because in the first place there was a close connection between the moral and intellectual qualities of the human mind; and in the second place it was well known that ignorance and stupidity led to the harsh and brutal treatment of inferiors." The other member I have spoken of was

no less than Lord (then Mr.) Macaulay. He spoke on the subject as follows :—" It appears we are agreed that it is of the highest importance that the Civil Service of India should be most capable and efficient. In this case it certainly necessarily follows that we ought to watch with the utmost care over the road to admission to that service—that we ought if possible to take such measures that this service may consist entirely of picked men, of superior men taken from the flower of the youth of India. Now it is because in my opinion this Bill does tend to produce that effect that I feel earnestly desirous that it should pass, and pass without delay. My right honourable friend Sir C. Wood, proposes that all places in the Civil Service—all admissions to the Civil Service—shall be distributed among young men by the competition in those studies—as I understand the plan—which constitute a liberal British education. That plan was originally suggested by Lord Granville in 1813 in a speech which, though I do not concur in every part of it, I would earnestly recommend every gentleman to read, for I believe that since the death of Burke nothing more remarkable has been delivered. Nothing, however, on this point was then done, and the matter slept till 1833, when my friend Lord Glenolg, the purest and most disinterested of men, proposed the adoption of a plan, not altogether framed according to those views, but still a plan which would have introduced this principle of competition. Upon that plan twenty years ago I remember speaking here. I ought not to say here, for the then House of Commons has been burnt down, and of the audience I then addressed the greater part has passed away. But my opinion on that subject has always been the same. The bill was passed, but difficulties were either found or made—the fault lies between the Government and this House. The Company were less to blame, and they had opposed the thing from the beginning. The enactments to which I have referred were repealed, and the patronage ran in

its own course. It is now proposed to introduce this principle of competition again, and I do most earnestly entreat this House to give it a fair trial. I was truly glad to hear the noble lord who proposed the present amendment (Lord Stanley) express approval of the general principle of that part of the Bill. I was glad but not surprised at it for, it is what I should expect from a young man of his spirit and ability and recent experience of academical competition. But I must say I do join with the honourable member for Kidderminster (Mr. Lowe) in feeling some surprise at the manner in which that part of the plan has been spoken of by a nobleman of great eminence, once President of the Board of Control and Governor-General of India, and of very distinguished ability both as an orator and a statesman. If I understood the opinions imputed to that noble lord, he thinks the proficiency of a young man in those pursuits which constitute a liberal education, is not only no indication that he is likely in after-life to make a distinguished figure, but that it positively raises a presumption that in after-life he will be overpassed by those he overcame in these early contests. I understand that the noble lord is of opinion that young men gaining distinction in such pursuits, are likely to turn out dullards and utterly unfit for the contest of active life. And I am not sure that the noble lord did not say that it would be better to make boxing and cricket a test of fitness than a liberal education. I must say it seems to me that there never was a fact better proved by an immense mass of evidence, by an experience almost unvaried, than this—that men who distinguished themselves in their youth above their contemporaries in academic competition, almost always keep to the end of their lives the start they have gained in the earlier part of their career. This experience is so vast that I should as soon expect to hear any one question it as to hear it denied that arsenic is poison or that brandy is intoxicating. Take the very simplest test. Take down

in any library the Cambridge Calendar. There you have the list of honours for a hundred years. Look at the list of wranglers and of junior optimes, and I will venture to say that for one man who has in after-life distinguished himself among the junior optimes, you will find twenty among the wranglers. Take the Oxford Calendar; look at the list of first-class men and compare them with an equal number of men in the third class, and say in which list you find the majority of men who have distinguished themselves in after-life. But is not our history full of instances which prove this fact? Look at the Church, the Parliament, or the Bar. Look to the Parliament from the time when Parliamentary Government began in this country—from the days of Montague and St. John to those of Canning and Peel. You need not stop there, but come down to the time of Lord Derby and my right honourable friend the Chancellor of the Exchequer. Has it not always been the case that the men who were first in the competition of the schools have been the first in the competition of life? Look also to India. The ablest man who ever governed India was Warren Hastings, and was he not in the first rank of Westminster? The ablest civil servant I ever knew in India was Sir Charles Metcalfe, and was he not a man of the first standing at Eton? The most distinguished member of the aristocracy who ever governed India was Lord Wellesley. What was his Eton reputation? What was his Oxford reputation? But I must mention—I cannot refrain from mentioning—another noble and distinguished Governor-General. A few days ago, while the memory of the speech to which I have alluded was still fresh in my mind, I read in the 'Musæ Cantabrigienses' a very eloquent and classical ode, which the University of Cambridge rewarded with a gold medal. The subject was the departure of the House of Braganza from Portugal for Brazil. The young poet, who was then only seventeen, described in very Horatian language and versification the departure of the fleet, and pictured the

great Portuguese navigator Vasco De Gama, and the great Portuguese poet Camoens, hovering over the armament which was to convey the fortunes of the Portuguese Monarchy to a new hemisphere; and with pleasure, not altogether unmingled with pain, I read at the bottom of that composition, the name of the Honourable Edward Law of St. John's College. I must say I saw with some considerable pleasure that the name of Lord Ellenborough may be added to the long list of those distinguished men who in early youth have by eminent academical success given an augury of the distinguished part which they were afterwards to play in public life; and I could not but feel some concern and some surprise that a nobleman so honourably distinguished in his youth by attention to those studies, should, in his maturer years, have descended to use language respecting them which I think would have better become the lips of Ensign Northerton or the Captain in Swift's poem, who says—

> " 'A scholard, when first from his college broke loose,
> Can hardly tell how to cry boh! to a goose.
> Your Noveds and Bluturcks, and Omurs and stuff,
> By George, they don't signify this pinch of snuff.
> To give a young gentleman right education,
> The Army's the only good school in the nation.' "

"The noble lord seemed from his speech to entertain that opinion. (A laugh.)

> " 'My schoolmaster called me a dunce and a fool,
> But at cuffs I was always the cock of the school.' "

"But if a recollection of his own early academical triumphs did not restrain the noble earl from using this language, I should have thought that his filial piety would have had that effect. I should have thought that he would have remembered how eminently splendid was the academical career of that great and strong-minded magistrate, the late Lord Ellenborough; and as I have mentioned him, I will say that if there be in this world a trying test of the fitness of men for the competition of active life, and of the strength and acuteness of their

practical faculties, it is to be found in the contests of the English bar. Have not the most eminent of our judges distinguished themselves in their academical career? Look at Lord Mansfield, Lord Eldon, Lord Stowell, Sir Vicary Gibbs, Chief Justice Tindall, Lord Tenterden, and Lord Lyndhurst. Can we suppose that it was by mere accident all these obtained their high positions? Is it possible not to believe that these men maintained through life the start which they gained in youth? And is it an answer to these instances to say that you can point—as it is desirable you should be able to point—to two or three men of great powers who, having neglected the struggle when they were young, stung with remorse and generous shame, have afterwards exerted themselves to retrieve lost time, and have sometimes overtaken and surpassed those who had got far in advance of them? Of course there are such exceptions; most desirable it is that there should be, and that they should be noted, for they seem intended to encourage men who, after having thrown away their youth from levity or love of pleasure, may be inclined to throw their manhood after it in despair; but the general rule is, beyond all doubt, that which I have laid down. It is this—that those men who distinguish themselves most in academical competition when they are young, are the men who in after-life distinguish themselves most in the competition of the world. Now if this be so, I cannot conceive that we should be justified in refusing to India the advantage of such a test. I know there are gentlemen who say—for it has been said—'After all, this test extends only to a man's intellectual qualifications, and his character is quite as important as his intellectual qualifications.' I most readily admit that his character is as important as his intellectual qualifications: but unfortunately you have not quite so certain a test of a man's character as you have of his intellectual qualifications. Surely if there are two qualifications you want a man to possess and which it is very important he should possess, and if you

have a test by which you can ascertain the presence of the one qualification, but no decisive test by which you can ascertain the presence of the other, your best course is to use the test you have and to leave as little as you possibly can to chance."

I have copied this long extract even at the risk of being charged with prolixity. But it may be asked, what has all this to do with the present measure, which leaves intact the principle of competition so far as Englishmen are concerned? In the first place, then, I maintain that these remarks are as applicable to the admission of Natives to the Civil Service as to the admission of Englishmen. If they prove anything they prove this—first, that merit ought to be the sole door of introduction to the service, and secondly, that no test could be more permanently efficient for this purpose than a test which precluded even a possibility of any individual feelings, passions, or prejudices having a voice in the matter, than a test worked only by a mechanical system, than a test whose impartiality was guaranteed by its impassibility. Nay, further, that even if a system of patronage could be devised which would not admit of jobbery, no individual or even reasonable combinations of individuals could be found whose qualifications for discriminating merit for a whole service could be relied on for any length of time so well as those of competitive examinations. To borrow again some words of Lord Macaulay, "The most unscrupulous Governor-General would dispose of his patronage under the present system more properly than an upright Governor-General under a system by which he should be at liberty to appoint any one." I cannot help remarking that the Duke of Argyll in his criticism of the competition system, carried away by his historical reminiscences, has been totally unable to grasp this deep and comprehensive view of the problem. Applied to natives or Europeans, introduced in India or England, the system of patronage under any form or shape whatever, is open to the same fundamental objections,

and is under any circumstances far inferior to the system of competitive examinations. In the second place, it were well to remember the utterances of these great men in view of a contingency which, if this clause is passed, cannot, I apprehend, be far distant. It seems to me that the passing of this measure would open the door for the total overthrow of the competition system. The logic of popular inference is inexorable; and the day would not be far distant when the injustice of the inequality would be unanswerably advanced for an admission of Englishmen similar to that of the natives. That day would be a day of unmitigated calamity for India, the responsibility of which would lie, I cannot help saying, with the authors of this measure. It is true that the present Civil Service of India is sometimes unfavourably compared with its predecessor. I must confess I have never been able to discover the grounds of this unfavourable comparison. One stock argument which is generally used is to cite up an array of some half a dozen names, all put in the plural number, Clives and Metcalfes, Munros and Malcolms and Elphinstones. But this argument has never appeared to me anything more than a mere rhetorical flourish. For in the first place, I should say that most of these great men produced themselves, in spite of the East India Company and its Directors, and promoted themselves (on occasions of peril) to responsible appointments, which the Directors would never have thought of conferring upon them of their own free choice and motion. Their subsequent rise was due only to this successful assertion of their abilities. But, in the second place, taking this argument for what it is worth, is it any test at all of the comparative values of two entire services? The only proper test would be the average quality of the administrations, revenue, political, judicial, of the two services. In this respect I will venture to say that no one can rise after a careful perusal of the records of Indian administration without a feeling of devout thankefulness and gratitude to th authors of the Act of 1853.

It seems that the advocates of the old system have forgotten the terrible exposures of gross maladministration that were elicited during the inquiries of 1784, 1813, 1833 and 1853. I must again repeat that it would be a woeful day for India when this present Civil Service should be annihilated and its principle abolished. But such would most probably be the logical sequence of the measure now before Parliament. Like the thin point of a wedge, let patronage but once secure its footing, and it fails not to penetrate and undermine the whole service. We may say, in the words of the poet:—

> "It is the little rift within the lute,
> That by and by will make the music mute,
> And ever widening slowly silence all.
> The little rift within the lover's lute,
> Or little pitted speck in garner'd fruit,
> That rotting inward slowly moulders all."

In passing from this objection, it will perhaps be more proper to take up the objection on the score of the integrity of the Civil Service. The only difficulty of treating this objection lies in its being so palpably evident. It is impossible to select men for the same service by two distinct methods without producing jealousy and rivalry. In the case of the Indian Civil Service, the evil would be twofold. The jealousy and rivalry between race and race would be aggravated by inequality of facility for admission, and the result would not fail to be the utter annihilation of all unity and integrity. In connection with this subject may be mentioned the effect of the measure on the training of the service. Under the present constitution of the service, merit is not only selected, but there is also provision made for training it. The fallacy is nowadays exploded which maintained that scientific development was not necessary to ability and genius. It is now fully recognized that the greatest men are greater by training. The organization of the Civil Service embodies in itself a guarantee for graduated homogeneous training. If the present clause is passed, what becomes of that guarantee? It cannot fail to be

perceived that one effect of the measure would be materially to deteriorate the average efficiency of the service in this respect.

Another result of a similar character which is likely to follow may also be mentioned here. While on the one hand the measure takes away the guarantee for such an official or departmental training as we have just described, on the other it will encourage official and departmental knowledge of a very narrow and limited kind at the expense of that preliminary general liberal education which the present competition system renders indispensable, and which alone knows how best to employ and turn to account official knowledge and experience.

The next count of our bill of indictment against this measure relates to its tendency of promoting jobbery. The Duke of Argyll has not entirely overlooked this objection. But he maintains that there is no risk whatever of the Government of India being influenced by political jobbery or family nepotism. There are no grounds given by the Duke in support of his assertion except perhaps a theoretical inference involved in the assertion itself, *viz.* that political jobbery is confined only to family or racial nepotism. Now this is an assertion which is unwarranted by all the known facts or laws of human nature. The failing of favouritism is a feeling deeply ingrained in human nature, and is worked upon as much by a tropical as by a temperate sun. There are various species of it—there is the unscrupulous species; then there is the ignorant species. Then there is a species of a more subtle character, where the dictates of your conscience are constrained to yield more or less complacently to the dictates of what is called your heart. Now I hope I shall not be misunderstood when I say that the Government of India is no exception to the universal rule. I have no doubt that it comprises a body of men of high honour and integrity. But after admitting that, we may well say of them what Mr. Bright once said of the India Directors:—"He had not the least idea, in any

observations he made either in that House or elsewhere, of bringing a charge against the East India Company—that was to say, against any individual member of the Board of Directors—as if they were anxious to misgovern India. He never had any such suspicion. He believed that the twenty-four gentlemen who constituted the Board of Directors would act just about as well as any other twenty-four persons elected by the same process, standing under the same circumstances, and surrounded by the same difficulties." We may thus fairly say of the Government of India, whatever that may mean, that if you place before them the temptation of patronage, it would not be long before there would spring up a system —if not of pure or quasi-family nepotism—of at least of what I may be allowed to call protegism. Not that such a system of protegism would be the immediate censequence of the passing of the clause. The process of development, on the contrary, would most probably be slow and gradual. But this we may assert without fear of exaggeration, as warranted by all the lessons of political experience, that it would be as sure and inevitable as the growth of despotism out of an absolute monarchy. In India this process is however, likely to be much accelerated on account of the peculiar circumstances of the relations between the governors and the governed. Whatever may be the cause of it, it is a well-known fact that the knowledge possessed of the natives of India by their rulers is by no means very extensive or accurate. There is almost a total absence of all social or even intellectual intercourse, without which it is almost impossible to form any just estimate of merit or character. Under such circumstances, the dispensers of the patronage would generally be obliged to be satisfied with second-hand information in itself subject to the sway of a thousand influences, which it would be by no means easy or pleasant to enumerate. Add to this difficulty that of having to select from a population which, in its differences, writers on India have been so fond of

comparing to the various races and nations that inhabit the whole continent of Europe. And what a task for the ablest, justest, most scrupulous, most virtuous, most discriminating dispenser of patronage! And even if we found for once such a giant of virtue and ability, the question would still remain how to perpetuate the breed of such a species. It is thus obvious that, in India, patronage would not only transform itself into protegism, but it would degenerate into protegism of a doubly unjust character. It would not only be tainted with the dye of favouritism, but also with that of a dangerous ignorance and uncertainty. It may, indeed, be urged against our conclusion, that it may be stigmatized as a theoretical inference equally with the proposition laid down by the Duke. But after distinguishing between inferences founded upon facts, however general, and those unwarranted by any experience, we must say that there is no way of practically proving our conclusions except by referring to the manner in which the patronage of the uncovenanted appointments has been dispensed by the Government of India in the case of the natives, except in those instances which are regulated by tests similar to the existing tests of the Covenanted Service. Now, even at the risk of being charged with incompletely handling so important a subject, I must disclaim the invidious burden of such a task, particularly when I apprehend that in any general reflections on the nature of the class of uncovenanted appointments, I might be supposed to include some, the holders of which have by performing their duties with equal honour to themselves and advantage to their country, triumphantly refuted the interested and hostile calumnies of would-be despots against the talents and abilities of the natives of India. I will only mention a suggestion that has occurred to several of my friends, that it was high time that the Uncovenanted Service should be subject to some such competitive examinations as the Covenanted Civil Service.

The last objection against this measure is, that it is unjust and demoralizing to the natives themselves. It is unjust, because the patronage would be practically confined to a small class of Government employés and hangers-on, and withholds the incentive of exertion from the natives at large; it is demoralizing, because it takes away that potent impulse of emulation which would fight the Englishman on his own terms, and would be anxious to give while demanding fair play from him.

These are some of the positive objections against the measure. If we compare it with the other scheme which I sketched out at the commencement of this paper, we shall find that it has also negative defects of omission. No one who has watched the discussions that have taken place for some time past on the subject of the "Admission of Natives into the Civil Service," can have failed to observe that a visit to Europe has been laid down as a necessary and almost indispensable qualification for a native civil servant, by men whose Indian experience entitles their opinion to the highest weight and consideration. Now, while in our scheme we change the time of this visit to a period subsequent to the preliminary examinations, when the success of the candidate is ascertained, we fully admit the desirability of contact with English life, and of intercourse with English society. Indeed, the value of such a visit cannot be too highly estimated in a country which must guard against misunderstanding and exaggerating while adopting English civilization. The Duke of Argyll has completely ignored this consideration in the measure he has brought forward. It was the great difficulty of the problem. Without in any way attempting to meet it, the Government measure introduces other elements highly objectionable. Indeed, it is surprising that the other measure, so long advocated by our parent body in London, should not have recommended itself to the Duke as the only one at once safe, just, and efficient. The only change that it requires in the present organization of competitive examinations is

that of holding them for a certain limited number of appointments in the capital towns of India instead of in London. Already the selected English candidates are kept two years in England before they are employed; so would the selected native candidates, with the advantage of seeing English life and civilization at a time when they could understand and appreciate them. The only possible objection which I have heard urged against this scheme is, that it would render the examinations here and in London unequal in their character. But surely such an objection could not be meant to be seriously urged, if we only remembered that the examinations taking place yearly at the present moment were equally unequal as if they were held at different places. The inequality is the same, whether it is that between the batch of selected candidates of one year and that of another or whether it is that between the batch examined in one place and that examined in another. It is really entirely immaterial, so long as the average efficiency of the examinations is maintained; and it is in the hands of Government to maintain this efficiency in India as in London. And now that we have our electric cable completely laid, it is not impossible to have even the same examination papers.

In instituting this comparison between the two schemes which require only to be brought face to face to perceive their relative values, it is impossible not to speculate on the existence of some silent reason operating in the background in the minds of the framers of the Government measure deciding them to give it preference. And that there is such a reason it is not difficult to discover from a careful perusal of what has been written and spoken on this subject since 1813 by its friends as well as its opponents. Stated in plain terms, it is this—that the average morale presumed by a competitive examination is not so high among the natives of India as among Englishmen. There are two assertions involved in this argument which we will examine separately. The first

is that of the relative inferiority of native to English morale. The second is, that intellectual cultivation does not induce moral improvement.

In examining the first dictum, I am not going to adopt the course of indignantly discarding the idea altogether. It would be childish to do any such thing, when it certainly could not be denied that such has been the honest belief of some of the most sincere friends the natives of India ever had. On the contrary, I am going to confess that there is apparently some ground for it. But let us calmly analyse this appearance. In the first place, an impartial comparison requires an independent standard. Now Englishmen always unconsciously compare English and Indian moralities by the tests of their own civilization. Now there can be no greater fallacy than this. I remember, during the late Reform debates, the leaders of both the parties in the House of Commons startling Englishmen by informing them that, in spite of the general impression on the subject, there was perhaps more social and political liberty in France than in England. The fallacy of the popular English opinion on the subject was that it persisted in gauging French liberty by certain forms and indices which represented it in their own country. Englishmen commit the same mistake in judging of Indian morality as they do in estimating French liberty. The science of comparative history shows us that it is quite possible that one morality may set greater store by one set of virtues, and another by an altogether different set. And if you attempt to judge of the one by the prominent characteristics of the other, the result must be at the same time unfavourable and unjust. Now English civilization is particularly strong in the point of its political morality. In India, on the contrary, where political development was, generally speaking, never allowed to advance beyond the ideal of "a good king," it has not perhaps arrived at the same perfection. But again Indian would be found superior to English morality in several other social

respects, such as in point of charity, hospitality, &c. From this point of view it may be perceived that, though possessing different characteristics, it would be difficult to say that English morality was positively and absolutely superior to Indian morality. In the second place, there is another element of error in the English judgment about Indian morality. This judgment is chiefly based upon the English experience of the morality of native employés of a very inferior class, who, badly remunerated, are not conspicuous for honesty or integrity. But would Englishmen placed in a similar position be impregnable to bribery and corruption? We must be strangely forgetting Indian history if we did not remember that, even in high positions, Englishmen, so long as the remuneration for their services was inadequate to their value, forgot this boasted integrity and gave in to the most rapacious extortions. But would all this be allowed to impeach at the present day the unquestionable integrity of English officials of the higher class? By no means. But then in common fairness no such presumption should be allowed to operate against the natives of India when placed in positions of responsibility and trust, and remunerated accordingly. The want of honesty discovered in certain people under certain circumstances no more indicates a low state of national morality among the natives than among Englishmen. If we were disposed to recriminate, the annals of English history are not difficult of access, and the long and continuous tale which they tell of parliamentary corruption, bribery, and treachery, beginning with the exploits of Danby and not ending with those of Pelham and Walpole, is, though undoubtedly instructive, far from being very edifying. The recrimination, however, would be as unjust and inconclusive as the charge in whose defence it would be employed.

The next dictum we have to examine is, that intellectual cultivation does not induce moral cultivation. To avoid misunderstanding, let us say from the beginning

that we define intellectual cultivation not as anything exclusively confined to a sort of pure mathematical training, but a culture based principally upon what are sometimes concisely termed "humanities." After this explanation, we may say that the dictum is both true and false. This is no paradox, but a description which may be faithfully given of generalizations, too wide if taken absolutely, and true only relatively with respect to certain times and circumstances. It would be hardly tenable to say that monarchy was the best form of Government, still the proposition could be maintained if applied to early states of society. Just in the same manner, if we denied our dictum with respect to all times and all states of society, the proposition would be far from being warranted by facts. For example, if we took those periods in the development of a society when morality did not exist separately, but was still absorbed in religion it would be perfectly true to say that intellectual culture did not teach morality. Thus, during the early ages of Christianity, what intellectual training there was would have been utterly insufficient to form the morale of its pupils. In those days nothing could have performed that task so well and so thoroughly as a religious education. History abounds with instances of such periods. There was a time when Judaism possessed its sole and best culture in the Mosaic books. There was a time when Hellenism had to look only to the theological poems of such men as Homer and Hesiod; there was a time when Mahometanism depended for its civilization on the Koran alone. The next stage, however, of the progress of these societies, if they succeed in advancing to it, is one in which morality emancipates itself from its religious shackles and appears under other shapes and other forms. Such has been the case with English in common with all Western civilization. The Apostles and the Fathers are now superseded by poets and historians and philosophers. Not that these people have taken to preaching and inculcating directly and indirectly the moral precepts

once contained in the Bible and its commentaries. The transformation takes place in a less demonstrative manner. The religious teaching slowly distributes itself in the shape of moral axioms and ideas, which in their tradition from posterity to posterity, instil themselves into the mind as its first principles. These first principles mould in after-life all your thoughts, your actions, and your utterances. The poet, the historian, the philosopher, cannot sing or write but on the condition of remaining true to this heritage which they receive. And once you have a complete literature so thoroughly and unconsciously imbued with the highest moral teaching of the day, then religion has done its peculiar work, and intellectual education coincides with moral cultivation. In a recent lecture delivered at Cambridge, Professor Seeley forcibly points out the value of history in education as the school of statesmanship. With perhaps greater force and truth it may be said that, as a means of education, history, in common with other branches of literature, is, first and foremost, the school of morality. We may say, then, that the dictum that we laid down above is not true, if applied to an education which has for its principal instrument such a literature as we have described. And that English civilization is possessed of such a literature will hardly be denied by impartial men. We are thus irresistibly led to admit that the competitive examination of the Civil Service, in testing intellectual ability, at the same time efficiently tests the morale of the candidates, whether they be Europeans or natives. And this conclusion is powerfully corroborated in the case of natives by our experience of the effect of English education in Indian schools and colleges. Out of many authorities on the subject, I shall select only one. The late Director of Public Instruction, whose opportunities of observation were equal to his abilities to interpret them, says in one of his reports,—"In the college I have invariably found that students improve in trustworthiness and respectability, in direct ratio to

their improvement as scholars." This testimoy tallies exactly with our *a priori* reasoning. We may now conclude our examination of the only reason we can think of for the rejection of our scheme, with the unhesitating declaration that it is nothing but a tissue of subtle errors and plausible fallacies.

To sum up the main points of this paper. I hope I have now succeeded in showing to you that the measure in progress through Parliament is of a most dangerous and pernicious character, that it is not the only expedient for affording facilities for the admission of natives into the Civil Service of India, and that the present system can with perfect safety be extended for that purpose without destroying its most characteristic features. And, moreover, the leading advocates of the competition system when they introduced it in the Act of 1853 were far from being unmindful of such a contingency as the present. They distinctly foresaw that the principle of competition would be applicable to natives as well as Europeans. Lord Macaulay was one of those who clearly realized this fact, and in closing this paper I cannot do better than quote to you his remarks on the subject. He says,—"It seems to me that this plan provides the best means that can be imagined for effecting an object upon which much has been said and which I admit to be desirable—the gradual admission of natives to a share in the higher offices of Government. . . . . I can conceive nothing more unfortunate for the people of India than that you should put into the Civil Service a native, because he is a native, if he is to be the last man in that service, a man decidedly inferior in attainments to all the other members of that service, and who would be looked down upon by his European colleagues. Above all, I cannot conceive anything more pernicious than the suggestion which has been made, that before you admit any native to the service at all, before any native has been an assistant collector or a judge, you should take some native and appoint him a

member of the Legislative Council. That of all propositions would seem to me least likely to promote the real benefit of the people of India. Under the proposed system, it would depend on the natives themselves, and upon them alone, at what time they should enter into the Civil Service. As soon as any native of distinguished parts should by the cultivation of English literature have enabled himself to be victorious in competition over European candidates, he would in the most honourable manner, by conquest, as a matter of right, and not as a mere eleemosynary donation, obtain access to the service. It would then be utterly impossible for his European fellows to look down upon him; he would enter the service in the best and most honourable way; and I believe that in this mode, and this mode alone, can the object which so many friends of the native population have in view, be attained in a manner at all satisfactory." Considering the time when these remarks were uttered, I cannot imagine a more forcible or a more eloquent commentary on the two measures compared in this paper for the admission of natives into the Civil Service.

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After a discussion at this and a subsequent meeting, in which among others Mr. Ranade took part, the following resolutions were passed :—

1. That this meeting, while grateful for the liberal spirit and generous intentions which have influenced the British Legislature in passing the East India (Laws and Regulations) Act, is of opinion that Clause 6 of the Act violates the integrity of the principle of competition with respect to the Civil Service of India, and is thereby calculated to deteriorate its high average of efficiency and trustworthiness.

2. That in the opinion of this meeting, the clause is likely to lead to the perpetration of political jobbery.

3. That it does not open the Civil Service of India to the natives "in the most honourable manner," in the words of the late Lord Macaulay, "by conquest, as a matter of right, and not as a mere eleemosynary donation."

4. That the natives of India, while protesting against exceptional obstructions which are not shared generally, are, however, ambitious of obtaining admission to the Civil Service of their country in fair fight and open competition.

5. That the Managing Committee of the Branch will be good enough to request the Council of the East India Association to take this subject into their serious consideration.

APPENDIX.

EAST INDIA (LAWS AND REGULATIONS).

33 VICT. CHAP. 3.

An Act to make better provision for making laws and regulations for certain parts of India, and for certain other purposes relating thereto. [25th March, 1870.]

Whereas it is expedient that provision should be made to enable the Governor-General of India in Council to make regulations for the peace and good government of certain territories in India, otherwise than at meetings for the purpose of making laws and regulations held under the provisions of The Indian Councils Act, 1861, and also for certain other purposes connected with the Government of India:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Every governor of a Presidency in Council, lieutenant-governor, or chief commissioner, whether the governorship, or lieutenant-governorship, or chief commissionership be now in existence or may hereafter be established, shall have power to propose to the Governor-General in Council drafts of any regulations, together with the reasons for proposing the same, for the peace and government of any part or parts of the territories under his government or administration to which the Secretary of State for India shall from time to time by resolution in council declare the provisions of this section to be applicable from any date to be fixed in such resolution.

And the Governor-General in Council shall take such drafts and reasons into consideration; and when any such draft shall have been approved of by the Governor-General in Council, and shall have received the Governor-General's assent, it shall be published in the 'Gazette of India' and in the local 'Gazette,' and shall thereupon have like force of law and be subject to the like disallowances as if it had been made by the Governor-General of India in Council at a meeting for the purpose of making laws and regulations.

The Secretary of State for India in Council may from time to time withdraw such power from any governor, lieutenant-governor, or chief commissioner on whom it has been conferred, and may from time to time restore the same as he shall think fit.

2. The Governor-General shall transmit to the Secretary of State for India in Council an authentic copy of every regulation which shall have been made under the provisions of this Act; and all laws or regulations hereafter made by the Governor-General of India in Council, whether at a meeting for the purpose of making laws and regulations, or under the said provisions, shall control and supersede any regulation in anywise repugnant thereto which shall have been made under the same provisions.

3. Whenever the Governor-General in Council shall hold a meeting for the purpose of making laws and regulations at any place within the

limits of any territories now or hereafter placed under the administration of a lieutenant-governor or a chief commissioner, the lieutenant-governor or chief commissioner respectively shall be *ex-officio* an additional member of the council of the Governor-General for that purpose, in excess (if necessary) of the maximum number of twelve specified by the said Act.

4. Section forty-nine of the Act of the third and fourth years of King William the Fourth, chapter eighty-five, is hereby repealed.

5. Whenever any measure shall be proposed before the Governor-General of India in Council whereby the safety, tranquillity, or interests of the British possessions in India, or any part thereof, are or may be, in the judgment of the said Governor-General, essentially affected and he shall be of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority in council then present shall dissent from such opinion, the Governor-General may, on his own authority and responsibility, suspend or reject the measure in part or in whole, or adopt and carry it into execution, but in every such case any two members of the dissentient majority may require that the said suspension, rejection, or adoption, as well as the fact of their dissent, shall be notified to the Secretary of State for India, and such notification shall be accompanied by copies of the minutes (if any) which the members of the council shall have recorded on the subject.

6. Whereas it is expedient that additional facilities should be given for the employment of natives of India, of proved merit and ability, in the Civil Service of Her Majesty in India: Be it enacted, that nothing in the "Act for the government of India," twenty-one and twenty-two Victoria, chapter one hundred and six, or in the "Act to confirm certain appointments in India, and to amend the law concerning the Civil Service there," twenty-four and twenty-five Victoria, chapter fifty-four, or in any other Act of Parliament or other law now in force in India, shall restrain the authorities in India by whom appointments are or may be made to offices, places, and employments in the Civil Service of Her Majesty in India from appointing any native of India to any such office, place, or employment, although such native shall not have been admitted to the said Civil Service of India in manner in section thirty-two of the first-mentioned Act provided, but subject to such rules as may be from time to time prescribed by the Governor-General in Council, and sanctioned by the Secretary of State in Council, with the concurrence of a majority of members present; and that for the purpose of this Act the words "natives of India" shall include any person born and domiciled within the dominions of Her Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only; and that it shall be lawful for the Governor-General in Council to define and limit from time to time the qualification of natives of India thus expressed; provided that every resolution made by him for such purpose shall be subject to the sanction of the Secretary of State in Council, and shall not have force until it has been laid for thirty days before both Houses of Parliament.

THE BOMBAY MUNICIPAL REFORM QUESTION OF 1871.

[*The following paper was read by Mr. Pherozeshah M. Mehta at a Meeting of the Bombay Branch of the East India Association held on the 29th November*, 1871.]

I venture to bring, what may appear at first sight to be a purely local question for discussion before this society, for two reasons which combine to prove it to be of *general* and *imperial* interest. The problem of introducing free municipalities in all the towns of India is fast becoming ripe for settlement, and the arguments and considerations concerning municipal government in Bombay would apply in almost all their integrity to, and furnish useful and instructive lessons for the inauguration of free municipal government in the other Indian towns. In the next place, the good, wise, and efficient administration of the municipal affairs of a town like Bombay,—the metropolis of Western India, the great emporium of Anglo-Indian commerce, and the connecting link between England and her great dependency,—is a question of imperial moment.

The history of municipal government in Bombay may be said to begin with a Board of Conservancy, which was superseded in the fulness of time by a constitution composed of a Bench of Justices and a Board of three Commissioners. Under Acts 24 of 1856 and 25 of 1858, this composite body continued to manage the municipal affairs of Bombay, till the year 1865, when Government, Justices and the Commissioners themselves, with one acclaim, proclaimed the utter inefficiency and failure of the system. In the early part of that year, Mr. Cassels, then a member of the Bombay Legislative Council, brought in a bill to organize a new Municipal constitution. This bill, which ultimately passed into Act 2 of 1865, formed the Justices into a Corporation, and abolished the Board of Commissioners in favour of one Municipal

Commissioner with full executive powers, under the deliberative guidance and financial control of the Bench of Justices, though appointed by Government.

It is now little more than six years that Act 2 of 1865 has been in operation and a cry has again risen for further reform. It is complained that Municipal taxation is falling heavily, oppressively, and unequally, chiefly upon the lower strata of the middle classes. It is complained that municipal expenditure is carried on at too grand and extravagant a rate for a town like Bombay. It is complained that the substantial benefits resulting from this oppressive taxation and this grand and extravagant expenditure, are of a very disproportionate character. It seems that these complaints have been long ripening, and the notice given by Mr. Forbes in the month of June of motions concerning municipal reform, was only the spark that kindled into a common explosion the train of the isolated gunpowder grains of discontent, pervading the whole town in respect of municipal mismanagement and oppression.

It must be acknowledged that Mr. Forbes and his supporters deserve great credit for their opportune boldness in coming out to give expression to the popular feeling on the subject, and constituting themselves the leaders of a municipal reform agitation. They deserve great credit for the energy and earnestness with which they brought the whole subject of municipal affairs for review and discussion in a formal and public manner. They deserve great credit for the persistency with which they pressed for practical and effective remedies for the evils complained of. At the same time, it is a matter of grave regret, that, with their boldness, energy, and earnestness, they did not combine qualities equally necessary,—moderation, wisdom, and farsightedness. The self-constituted leaders of popular movements have a two-fold duty to perform. It is not sufficient for them to stand forth boldly to give loud utterance to the confused and incoherent popular cries. It is not sufficient

for them to reiterate and proclaim the popular indiscriminate wailings and inconclusive analyses of the public grievances. There is another and a higher duty cast upon them, the duty of guiding and rolling the movement in its proper path, of extricating it from the confusion of words and thoughts under which it usually labours, of analysing the genuine and substantial causes of it, of discovering and proposing measures well adapted to meet the end in view. It must be said that, with a good, urgent, and substantial cause, the present leaders of municipal reform have completely failed to perform this higher and nobler duty, and, if the recent reform movement fails to attain its object, and succeeds only in retarding real reform, the responsibility of that failure will lie on their heads, the blame of it will lie at their doors. They have disdained to take the trouble of probing with care the real causes of the popular discontent, and of proposing, after mature deliberation, measures which might further, and not retard the progress of municipal reform. They seem, perhaps without consciously meaning to do so, to have rushed out in a blind spirit of partisanship, like some of the leaders of the late Commune of Paris, not caring to discriminate what they attacked, or what they proposed, so long as they overturned what they hastily considered the most obnoxious part of what existed. To them, the Municipal Commissioner was the head and front of the offence, and 'away with him' was the remedy they proposed, no matter if they substituted King Stork in the place of what might favourably compare as King Log. Unfortunately they are mistaken both in the evil they exclaim to have discovered and the remedy they indicate, and the double mistake fundamentally arises from a total inability to understand the real historical significance of the Municipal period between 1865 and 1871, what it was wanted to effect, what it did effect, and what it should lead to.

In proceeding to set this point in its proper light, it will be well to pause for a moment and look at the

municipal state of Bombay just before Act II of 1865 came into operation. It is a common remark that those who see a sick person recover before their very eyes, are unable to realize the change so truly or so vividly as those who observe it at longer intervals. Such has been exactly the case with the majority of the reform leaders. The municipal improvement of Bombay has been going on before their eyes for several years, and they have got so accustomed to it that they are now unable to recall the fact that it was not always much the same. I happened to leave Bombay about the end of 1864, and only returned after an absence of four years. In my mind, the two pictures therefore preserve their general features in marked and broad contrast, without suffering them to be gradually effaced by the continued and minute observation of the progress of the change from the one into the other. I can recall forcibly and vividly a condition of things when the uneven and broken state of the roads was not the exception but the rule. I can recall a state of things when a preparation of mud and filth was the normal maccadam of the streets and gullies. I can recall a state of things when you were liable any moment of a walk through the town to be greeted with showers of dirty water or dirtier kutchra. I can recall a state of things when the roads, streets and gullies were moreover uneven and narrow, with sudden projections over here, and dangerous obstructions over there. I can recall a state of things when the town excretions putrified at the will of the tyrant halalcores in uncleaned privies in the most crowded localities, or went spattering and splashing in open baskets or ricketty carts under your very noses at the best times of the day when you might hope to get a whiff of pure fresh air. I can recall a state of things when you were not unfrequently exposed to be garotted and plundered in dark throughfares and darker gullies. I can recall a state of things when the near prospect of water-famine blanched the faces of men, women, and children, and

hurried them to propitiate the rainy deities with prayers, offerings, and sacrifices of the most grotesque character. I can recall a state of things when markets and slaughter-houses were not so much places for supplying the town with its daily food, as centres for disseminating infection and disease. I can recall a state of things when burial-grounds and cemeteries nestled side by side with habitations for the living. I can recall a state of things when the periodical recurrence of epidemics of the most terrible and virulent type was waited for with sinking and despairing hearts with as much certainty as the decrees of fate. Not unaptly, and without exaggeration might the state of Bombay in those days have been compared to that of a dirty filthy ugly wight, sallow and pinched, with the wiry fingers of grim disease and death tightening their clasp over his throat and piercing their sharp nails in his flesh.

That this is no fancy picture drawn from imagination can be easily ascertained by reference to the records of the times. I suppose we have not yet quite forgotten Dr. Leith's Report of the 29th February 1864, on the sanitary condition of the town of Bombay, nor Dr. Haines's able Mortuary Report for the year ending 31st January 1864, in which he stated that the mortality during that year had 'been the largest that has been recorded in Bombay and nearly one-third in excess of the average of the previous ten years.' After noticing these figures in moving the second reading of the Municipal Bill, Mr. Cassels went on to state, "I wish I could congratulate the community on their being the statistics of the official year which closed yesterday. These I am able by the kindness of Dr. Haines to state to you, and I regret to say that they are still more frightful to contemplate. Last year the total mortality was nearly 'one-third in excess of the average of the previous ten years;' this year that mortality is exceeded by 27 per cent. and the average of the preceding ten years by 58 per cent."*

* Proceedings of the Bom. Leg. Coun. p. 7. Ditto. 8.

Such was the state, or rather chaos of things in Bombay, at the end of 1864, which instantly required to be grappled with; such were the Augean stables that urgently required to be cleansed. There is a crisis in human affairs when slow and ordinary means avail not, when men must consent to strong measures on the sole condition that they are efficient, when they must give up their freedom and lay aside their most cherished institutions, their most valued forms and guarantees of order and economy, and submit to the strong rule and the strong hand, absolute and arbitrary, on the sole condition that it fail not. Such crises are common in the history of the growth of minor institutions as of great states and commonwealths. The history of heroes and dictators is the history of such crises, and fortunate are the people who can get hold, in their hour of need, of one of such men at the nick of time. In their great Municipal crisis of 1865, were the people of Bombay fortunate enough to lay hold of such a man? We have looked at the Municipal picture of the town as it was in the early part that year. Let us now look at the other picture of Bombay as it is now after a Municipal administration of six years, and we may perhaps be able to answer the question. The first thing that strikes a person now is, that the dirty, filthy stinking narrow streets and gullies have mostly disappeared, and in their place are to be seen roads and streets, scrupulously clean, generally kept in good condition, well-watered and well-lighted, a good many of which indeed would do honor to some of the best towns even of the Western world. The tyrant halalcores no longer hold sway, and the open baskets are no longer allowed to offend your nostrils and infect your lungs, but are obliged to give way to light and and compact carts emitting no noxious smells whatsoever, and trudging only at the late hours of the night. The night soil and rubbish no longer poison the atmosphere near your very doors, but are carried off to long distances to be burnt and destroyed. The burial places,

festering in the very heart of the town, are closed and removed to distant localities. The markets and slaughter-houses are transformed from centres of disease and infection into things of beauty and cleanliness, that might move the envy of towns like Paris and London. Water-famine is become a thing of the past, and good, wholesome water is now brought within easy reach of the poorest. Epidemics are no longer the constant and dreaded visitors of old, virulent and all powerful; their stray visits are few and far between, and their ravages are easily withstood and repelled. The frightful rate of mortality which prevailed in 1864-65 has been reduced to such an extent that, in the Registrar-General's Report of this year, the town of Bombay knows its old place no more. And not only has it become so healthy itself, but it has ceased any more to spread disease and death far and wide, a circumstance of incalculable importance for the outlet of all Indian trade. Nor have improvements for adorning and beautifying the town, not the less necessary even from a sanitary point of view, been neglected. Public promenades, boulevards, roads, footpaths, and shady walks planted with large trees and interspersed with cool and shady squares and triangles, splendid fountains, an Elphinstone Circle, and a Rotten Row, all combine to add at once to the health and beauty of the town. Indeed, the ugly, decrepit, diseased old wight of 1865, tottering almost on the brink of the grave, has drunk, it would seem, the Medean potion, and has undergone a magical transformation, from which he has arisen recovered and invigorated, glowing with health, strength and beauty, and giving promise of a continued development.

How then are we to answer the question, whether in her great Municipal crisis, our town was fortunate enough to secure a man able to cope with the emergency? I think there can be no doubt, in spite of the assertions of anonymous correspondents that there is nothing in all this beyond performing one's duty, in spite of their

modest belief, now that the ideas are created and the works accomplished, that they could have easily done the same, in spite of the innate assurance of copyists that if they are able to copy, say a Raphael, they could be Raphaels themselves, that the man who effected in six years the wonderful transformation of the Bombay of 1865 into the Bombay of 1871, deserves in the main to be emphatically proclaimed its great saviour and benefactor. He may have been guilty of great faults, committed great errors, and defied all restraints, forms and formulas whatsoever. But on these conditions only could the work have been accomplished, and their memory must in justice be lost in the general successful result. It is exactly like the case of the general, who, in the desperate hour of the battle, defies his strict orders, relies upon his own judgment, and gains the victory. Death, the just punishment of his insubordination, if he had failed; a grateful act of indemnity the reward of his successful intrepidity.

This, as I understand it, is the only just appreciation of the Municipal administration of Arthur Crawford from 1865 to 1871. He was placed at the head of Municipal affairs at a moment of great emergency. He found that he had a task before him to perform, which urgently demanded intrepidity and dispatch, while a Legislative Act hampered him with checks which, if strictly observed, could not but in the very nature of things be ultimately productive of great delay. He found that he must spend liberally to ensure quickness and efficiency, while the state of the Municipal exchequer was in the greatest confusion and disorder. A weaker, and perhaps a more conscientious man, with the narrow conscience of a French official who could never look beyond the strict letter of his orders, or a great financier would have succumbed before these difficulties, and we would have been at the present moment discussing the frightful penalty of delay instead of criticising, as we are now vehemently doing, the cost of the victory. Arthur Crawford rose to

the height of the occasion. He did his work, looked at his rules and orders afterwards. And that a great portion of the Bench understood his position and acquiesced in his way of dealing with it, is apparent. A gallant major, a warm supporter of Mr. Forbes, expressed this idea very characteristically at the reform debates. "The fact is, I really believed most conscientiously, that Mr. Crawford was all right; and that is my defence for having held up my hand in the way I did; I threw up my hand for every budget, because I thought, there is Mr. Crawford, the Commissioner, a high-minded man; he said it was necessary; and I had a gallant and honorable man, as my good friend Mr. Taylor has just told you, Captain Hancock, and his Committee; and they said to me it was all right, and I saw their hands up, and up went mine."* It may be true that he may have committed some excesses in carrying out such a policy. But the duty of keeping scrupulously from going beyond certain bounds, and refraining strictly from committing unnecessary excesses in such an emergency, is a lesson more easily preached than practised.

In urging this view, I am not unaware that many of the improvements I have described above, are claimed one by one person and another by another,—the Circle was projected by one and the Esplanade was adorned by another,—and that between them, the credit of very few ideas and very few works would be left to the Commissioner. Such claims are by no means uncommon, and greater men have had their titles to glory questioned in this manner. Francis Bacon was not the apostle of experimental philosophy, because forsooth long before him, the inductive method had been explained by Aristotle, and even just a little before him it had been practised and proclaimed here and there. And Mirabeau was not original, that is, to explain it in the quaint but forcible language of Carlyle, "The firepan, the kindling, the bitumen were his own; but the lumber of rags, old

* The *Municipal Reporter*, I. p. 32.

wood, and nameless combustible rubbish (for all is fuel to him) was gathered from hucksters and ass-paniers of every description under heaven. Whereby indeed hucksters enough have been heard to exclaim : out upon it, the fire is *mine*." Perhaps, just as similarly some of the ideas were suggested to the Municipal Commissioner and some of the works partially carried out by other men ; his merit and his genius lies in having, by a strong intellect and a strong will, by untiring energy and by a noble enthusiasm, furnished unity and organization, and moulded a complete Municipal system out of isolated, scattered elements.

Nor do I forget that another objection is taken to the view I have advanced of Mr. Crawford's Municipal administration, *viz.* that the success was achieved by a ruinous outlay, and that the extravagance of the expenditure was entirely disproportioned to the result. In determining this point, it is hardly fair, as some people are at present doing, to single out works here and there, and to point out that a little economy might have been practised here, and a little saving effected there. But it is one thing, even in ordinary times, to ascertain the cost of works before they are finished, and another to criticise it by the light of past experience. And this is especially so, when the works are to be undertaken urgently, and to be finished without loss of time. At such times, freehandedness to a certain extent becomes even a virtue and a necessity, as it inspires enthusiasm and thus ensures efficiency and dispatch. The only fair and proper mode of settling the point is to take the total expenditure and the total results for the whole period in their general characters, and see if the one can be reasonably set off against the other. Now the total expenditure for the seven years from 1865 to 1871, both years inclusive, may be put in round numbers at something under three crores of rupees. One-fourth of that sum is represented at the present moment by property in the possession and ownership of the Municipality.

The remainder represents the cost of two important functions. In the first place, the sick man was to be cured and healed, and in the second place, he was to be supplied with the means of maintaining his established health and of satisfying his daily wants. If we strike an average for the seven years, it will appear that these two important functions were performed at a cost of something like thirty-two lacs a year. Now, remembering the annual expenditure incurred by municipalities of far less importance and of far less resources, established for centuries, and which have only to keep up and add to, without having verily to create from the very beginning, the most essential municipal works, remembering that the municipal expenditure of London is four crores of rupees, and of Paris and New York something like eight crores, remembering these things by which alone we can form a comparatively fair and proper judgment, can we say that thirty-two lacs a year is on the whole too extravagant a municipal expenditure for a town like Bombay? Whatever faults can be found with respect to particular transactions and isolated items, an unbiassed and dispassionate judgment can only come to one decision, *viz.* that under all the circumstances of the case, our municipal expenditure has been generally speaking far from being very wasteful or extravagant.

Unfortunately a just, calm, and impartial consideration of this point is rendered difficult at the present moment by the sudden declaration of a deficit in the Municipal exchequer. Under cover of this one discovery a thousand vague rumours about what are proclaimed to be new revelations of gross financial mismanagement and confusion, brought to light by Mr. Hope's Committee, are spread all over the town, diverting men's minds from the real questions at issue, and prejudicing their better judgments. Let us look steadily at these supposed revelations of Mr. Hope's Committee and see what they really are. A careful perusal of the Report of this Committee indicates the charges brought by it to be principally

two, the first being, that Mr. Crawford incurred expenditure in excess of or independently of the Budget grants during the last five years to the extent of Rs.34,33,945-10-0, and, 2nd, that he illegally manipulated funds set apart for special purposes to provide for this excess. Now in the first place, from the view which we have taken of the character of the municipal administration of Mr. Crawford, it may be urged that the want of authority in exceeding the limits on his power of expenditure, as also the diversion of funds from their special object without sanction, must be held to be condoned in the generally successful result. But secondly, so far from this charge being a new revelation which could now be brought against the Commissioner, the fact is, that the greater portion of this unauthorized excess, being no less a sum than Rs. 33,84,975-9-0 out of a total of Rs. 34,33,945-10-0 was incurred in the three years 1866-7-8, and retrospectively sanctioned by the Bench of Justices. Nay, for the two years in which this excess is the largest, amounting altogether to Rs. 31,66,410-3-8, a special vote of thanks was accorded to the Commissioner and his colleagues by the Bench, with all the facts before them, and with their eyes fully open. The only excesses for which the Commissioner is indictable, are those of 1869-70, which are however very trifling in amount, being Rs. 47,114-14-10 for 1869, and only Rs. 1,852-2-8 for 1870, fully warranting the Committee's admission that there has been a great improvement since 1868. And just as unfair is it now to show up as a new revelation of gross mismanagement and breach of faith this unauthorized excess, the greater portion of which was known and sanctioned so far back as 1869, equally so is also the proclamation of the other revelation of the illegal manipulation of special funds. That circumstance was also principally thoroughly well-known, and it is idle now to cry out that there was never any formal notice given of it. Indeed, both these charges would never have any weight at all, if they had not been brought under cover of the discovery

of the large deficit of nearly twelve lacs and a half. In this respect of the deficit, it is true that the Commissioner is seriously to blame for having allowed matters to drift so far, and not apprising the Bench in time for them to take measures to meet it as best they could. All that can be urged in extenuation of this grave dereliction of duty is, that the deficit is mainly due to causes over which the Commissioner had no control. About five lacs and a half of the deficit, as Mr. Hope's Committee says, or 7½ as the Commissioner estimates it, are attributable to the faulty arrangements of 1869 induced pursuant to the calculations of Colonel Marriot's Committee, and a considerable portion of the remainder arose from the withdrawal of the Government Police grant, the sudden fall in the yield of the town duties, and the emergent expenditure necessitated by the discovery of serious defects in the Vehar Water Works. But, after all this has been said, the fact remains that Mr. Crawford committed a grave error of judgment and incurred a heavy responsibility in keeping the embarrassed state of the Municipal finances concealed from the Bench, in struggling vainly and hopelessly by illegal shifts to stave off the evil day, and allowing the discovery of it to fall like a thunderbolt on the Bench as well as the whole town. This, I believe, is the sum and total of all the faults and shortcomings which can be charged to the Commissioner from a careful consideration of the results of the enquiry prosecuted by Mr. Hope's Committee, and indeed that can be deduced from all our present authentic knowledge of Municipal affairs.

But for such faults and such errors of judgment, I ask you, gentlemen, to consider temperately and impartially, grave enough for the time though they may be, are we to forget that he steered us safely through a supreme Municipal crisis threatening the very life and existence of the town? But, for such faults and errors of judgment, are we totally to wipe off the memory of all that he had the daring intellect to conceive, untiring energy to

execute, and tender zeal and enthusiasm to direct, in so short a period as six years, in a time of supreme danger and anxiety? But for such faults and errors of judgment, are we to cancel all obligations for not only having saved our town from immediate danger, but for having set it on a career of increasing development and improvement? Are we to forget, in our day of safety and prosperity, that he has in so short a time driven disease and death from our doors where they were such constant visitors before? Are we to forget that if he has touched our pockets too closely, he has put us in a position to enjoy in comfort and safety the remainder a thousand times more, nay, that in the case of the poorer classes, by improving their chances of health and vigour he has removed the continual drain which sickness and want of health cast indirectly upon their pockets, and actually supplied them with the means of fighting more vigorously for their livelihood? And not only so, but are we to heap disgrace and obloquy upon his name and fame for having preferred to work out our salvation in defiance of legal forms and authorized sanctions than tardily drag it out or ingloriously incur utter failure by line and rule, like Monsieur Tomes who would prefer to kill his patient according to rule than cure him against it, or the German Officer who preferred to lose a battle according to correct tactics than gain it in spite of them? Are we to hurl foul calumnies and slanderous invectives, because in times of great peril and urgent necessity, he sacrificed close haggling and rigid economy to efficiency and dispatch? Are we to follow him with curses, because, after achieving triumph against ugliness, disease and death, he left us—the citizens of a town standing in the foremost ranks for population and commercial and metropolitan importance—with a final deficit of four lacs and a half of rupees? It is a matter of sorrow and regret that, without guidance from leaders, clear-sighted, just, and generous, the popular feeling appears to tend towards such unworthy conduct. There is a

story told by Mr. Frederic Harrison in his recent able article in the *Fortnightly Review* on the Fall of the Commune, as having occurred during the massacres which followed the entrance of the Versailles troops into Paris: —'A woman, speechless and bleeding, was being dragged through the streets to be shot as a *petroleuse*; a furious mob were assailing her with imprecations and blows. She was on the point of being shot by the troops, when a bystander stepped forward to proclaim her innocence. The fury of the mob was at once turned upon him, and both he and the woman were in imminent danger of their lives. At length, almost by chance, it was recognised that the woman was the cook of a neighbour's family, who had crossed the street to buy a bottle of salad oil.' The same sort of unreasoning unthinking public mood, that the Versailles Government succeeded in exciting against the Commune on the strength of such monstrous falsehoods as organized attempts to burn Paris by petroleum, is agitating the public mind here at present with respect to Municipal affairs, and every act and doing of the late Commissioner, though not less harmless than that of the woman of the anecdote, is either defiance and disrespect to the Bench, gross financial mismanagement and confusion, if not something more, or unpardonable dereliction of duty. But I have faith in the ultimate instinct of popular judgment, and I feel confident that when the present general financial depression will have passed away, when men's minds will have ceased to be unduly prejudiced by the sudden discovery of the deficit, when the incidence of Municipal taxation will have improved with time, with reflexion and with future experience, an impartial and a grateful verdict will honourably embalm the name of Arthur Crawford in the annals of the Municipal administration of Bombay as its founder and saviour.

I have attempted, at perhaps tedious length, to indicate the proper appreciation of the Municipal period from 1865 to 1871. Had the leaders of our present

reform agitation taken pains to realize this historical estimate of it, the narrative of their labours would have to be delineated in far other colours than those with which we are now obliged to characterize it. In that case, they would have easily and distinctly seen the true direction in which further reform ought to be pushed forward, and the only effective mode in which it could be accomplished. Dictatorial periods, dealing with crises of urgent emergency, are essentially of a temporary and exceptional character, and must be succeeded as soon as possible by periods of constitutional regime, when arbitrary discretion must give way before a systematic organization, when order and economy must be permanently ensured by strict forms and rules rigidly and unswervingly enforced, when a searching control and supervision must be maintained by a system of close checks and restraints, when the collection of the revenue must be conducted as thriftily and harmlessly as would be consistent with efficiency, when a just and equitable incidence of taxation must be settled after careful consideration and mature thought, when new projects must be taken up with great circumspection and adopted after great deliberation, and when every penny of the outlay must be made to show its substantial return. And it would also have been abundantly manifest, by what measures such a reform could be really secured. In the reform debates of July, Mr. Forbes and his followers advocated with all their might the overhauling of Act II of 1865, as being found utterly inefficient for the purposes of enforcing a strict control and supervision. But every fact which they stated, every argument which they produced, only led to the logical conclusion that the provisions of Act II., with very few exceptions, were pre-eminently adapted for such a purpose, and that the fault lay only in the constitution of the body by whom they were to be enforced. If there was one thing more than another conclusively established in the reform debates, it was this, that the Bench of Justices was a

body utterly incompetent to carry on municipal government under a constitutional regime. And this is just what might be expected from a body constituted as the Bench is. The Justices are elected by Government. In the first place, there is nothing in the mode of election to rouse an active sense of municipal duties and municipal responsibilities. As I have said elsewhere 'What is the popular meaning at present of a Justice-ship of the Peace? Some sort of honor, most people will say, in the main.' The idea that it involves municipal duties and municipal obligations is, at least, in the generality of cases, very vague, shrouded much in the background, and withal of a very passive character. In the second place, there is no guarantee for a judicious and well-proportioned choice in this mode of election. The Government are obliged to work second hand, and rely upon the judgment of people, themselves hardy alive to the responsibility of their task. Then the Justices are elected for life. Even if they started with some sense of responsibility, no better plan could have been easily devised to divest them of it as speedily as possible and to induce indifference, inactivity, and stagnation. Every motive is thus removed from the mind of the Justices which could instigate in them a desire to be active and useful, at some sacrifice of time and labour, and which could inspire them to persevere in such generous resolutions. Thus elected by Government and elected for life, the Bench of Justices is by the very conditions of its existence, organized only for inefficiency and incompetency. I have not the least idea in making this observation of bringing a charge against the present Bench of Justices,—that is to say, against any individual member of it. We may say of it as Mr. John Bright once said of the Board of Directors of the East India Company, that the Justices who constitute it would act just about as well as any other equal number of persons elected by the same process, standing under the same circumstances, and surrounded by the same difficulties. It is not the

men, but the system which is at fault. There is only one remedy for such a state of things, the only remedy which history teaches us, has been successful in ensuring an active and efficient municipal government. That remedy, I need hardly say, is the introduction of the free representative principle in the constitution of the municipal body. But, talk of government and representative institutions for the East in the same breath, and you are immediately met with the response, 'utterly out of the question,' given by Mr. James Mill when asked by the Select Committee of 1832 on Indian Affairs whether he thought representative government practicable in India and echoed by Lord Macaulay in his speech in the House of Commons in 1833 on the Government of India. Backed by the authority of two of the greatest champions of free and liberal forms of government, it has become the fashion to shrug one's shoulders and to wonder at the amazing stupidity of men who can have the hardihood to propose representative institutions for people to whose genius they are alleged to be so radically foreign and inappropriate. But if we look closely into the matter, no such inference of utter incapacity is deducible from the opinions passed by Mr. Mill and Lord Macaulay. To interpret them in that manner is to forget the limitations of time and circumstances, in the light of which alone ought such assertions to be read. In 1832 and 1833, a time when the country had not yet recovered from the shock of its great internal struggles, when the foundations of British supremacy were hardly yet assured, when tranquillity and repose so necessary for the successful initiation of great changes had not yet set upon the land, no other answer could have been given to the question of introducing representative institutions than that given by Mr. Mill, 'utterly out of the question.' Perhaps, even at the present day, the same answer must be returned, if the question was of introducing in India the full-blown representative institutions of the Western world. What is said to be stated by Mr. Mill

and Lord Macaulay goes no further than this, and does, by no means, warrant the further conclusion endeavoured to be drawn that it is chimerical to attempt to initiate even by slow and moderate degrees, the introduction of representative institutions. Nor would such a conclusion be borne out by fact and experience. Indeed it is not a little strange how a proposition so utterly belied by all history, should ever have come to be enunciated. A very moderate acquaintance with oriental history informs us that, while the higher political organization has seldom advanced beyond an enlightened form of despotism, the whole lower substratum and structure of oriental society are closely interpenetrated by free representative combinations. As was once said by our erudite townsman, Mr. Anstey, at a meeting of the East India Association, 'We are apt to forget in this country, when we talk of preparing people in the East by education, and all that sort of thing, for municipal government and parliamentary government (if I may use such a term) that the East is the parent of municipalities. Local self-government, in the widest acceptation of the term, is as old as the East itself. No matter what may be the religion of the people who inhabit what we call the East, there is not a portion of the country from west to east, from north to south, which is not swarming with municipalities; and not only so, but like to our municipalities of old, they are all bound together as in a species of net work, so that you have ready made to your hand the frame-work of a great system of representation.' Such is especially the case in India, where the caste organization, with its respective punchayets and mahajans, incrusted deeply in the very heart of Hindoo society, and leaving no portion of it untouched, is one vast and continuous chain of local self-governing groups. 'The true view of India is that, as a whole, it is divided into a vast number of independent, self-acting, organized social groups, trading, manufacturing, cultivating.' Then there are those institutions of larger dimensions and more complicated

functions, the village communities, indestructible and of immense antiquity. "In whatever direction," says Sir Henry S. Maine in his *Ancient Law*, "research has been pushed into Indian history, general or local, it has always found the community in existence at the farthest point of its progress."* We all know the description given of a village community by Mountstuart Elphinstone,—"The indestructible atom, from an aggregate of which the most extensive Indian Empires are composed.....Each township conducts its own internal affairs. It levies on its members the revenue due to the state; and is collectively responsible for the payment of the whole amount. It manages its police and is answerable for any property plundered within its limits. It administers justice to its own members as far as punishing small offences, and deciding disputes in the first instance. It taxes itself, to provide funds for its internal expenses..... .....It is provided with the requisite officers for conducting all these duties, and with various others adapted to the wants of the inhabitants; and though entirely subject to the general government, is in many respects an organized commonwealth, complete within itself. This independence and its concomitant privileges, though often violated by the government, are never denied; they afford some little protection against a tyrannical ruler, and maintain order within their own limits, even when the general government has been dissolved..... The village communities (writes Sir Charles Metcalfe) are little republics, having nearly every thing they can want within themselves, and almost independent of any foreign relations. They seem to last where nothing else lasts. Dynasty after dynasty tumbles down; revolution succeeds to revolution, Hindoo, Pathan, Mogul, Mahratta, Sikh, English are all masters in turn; but the village community remains the same..... A township in its simplest form, is under a headman.....

* p. 260.

.....Though he is still regarded as an officer of the king, he is really more the representative of the people. The selection of an individual from the proper family rests sometimes with the village community, and oftener with the Government.....The headman, in short, does all the duties of municipal government. All this is done in public at a place appropriated for the purpose; and on all points affecting the public interest, in free consultation with the villagers."* Some of the townships are of a more self-governing character than the others. "It is not disputed," says Sir H. S. Maine in his recent work on *Village Communities*, "that villages are found in great numbers in which the Government is lodged with a council, neither claiming to be nor regarded as being anything more than a representation of the entire cultivating body."† Again, in another place the same author states, "I have good authority for saying that, in those parts of India in which the village community is most perfect and in which there are the clearest signs of an original proprietary equality between all the families composing the group, the authority exercised elsewhere by the headman is lodged with the village council. It is always viewed as a representative body, and not as a body possessing inherent authority, and whatever be its real number, it always bears a name which recalls its ancient constitution of Five Persons."‡

The existence of such village communities thus proves the utter falsity of the assertion of the racial incapacity of Easterns for representative institutions; but what is still more remarkable is, that recent investigations show that they exactly correspond to the original substrata on which Western municipalities themselves have arisen. The researches of Von Savigny and others tend to the conclusion that municipal communities were for a long time unknown to the Germans,§ and that the origin of Western

* *History of India* pp. 62-4.

† p. 155. ‡ p. 123.

§ *Savigny's Rom. Law.* 274-6. *Seq.*

municipalities is to be traced in an engrafting of the precise technical Roman form on the rude representative institutions of the old Teutonic mark. Now, in his work on *Village Communities* Sir. H. Maine identifies the Teutonic mark with the Indian village community. " If very general language," he says, " were employed, the description of the Teutonic or Scandinavian village communities might actually serve as a description of the same institution in India."* Thus, so far from the conditions of the introduction of free municipal institutions being different in the East and the West, the origin of Western municipalities indicates analogically as strong a suggestion as history ever furnishes, for the engrafting of the Western municipal system in Indian townships just as the Roman municipium was successfully engrafted on the corresponding Teutonic mark. The same qualities which fitted the Teutonic soil for the Roman graft are found in the Indian soil and the English plant, if transplanted, would, it may be surmised hopefully, be reared as successfully as its Roman parental stock.

But, as soon as the objection founded on a radical racial incapacity is made to disappear on a close inspection, another is urged, based on the incongruity of introducing free institutions in the heart of an empire, ruled by an essentially despotic, or as it is sometimes apologetically termed, a patriarchal form of government. It is urged that it would be productive of discord and confusion to combine institutions of so directly conflicting a character. The whole history of municipal institutions furnishes, however, the most convincing and instructive refutation of this objection. Not only does it show most conclusively that free municipalities are far from being discordant, unmanageable and dangerous elements even in the most despotic constitutions, but it also goes to establish in a very strong manner the wisdom and desirability of incorporating them in such governments. We

* p. 107.

learn from it that the existence of municipal self-government in despotic states acts as a safety-valve for the peaceful emission of popular irritation, discontent, and disaffection which might otherwise recoil upon them. We also learn that the instincts and habits induced by the experience of local self-government always assist in preventing the violent and revolutionary overthrow of the states in which it has been practised and fostered and favour gradual and well-considered constitutional changes. The history of Roman provincial government, so similar to the British government in India, is full of instruction on this subject. "It was the policy of the Emperors", says Mr. Merivale, "first devised by the prudence of Augustus, to extend and multiply the functions of the Roman municipality. Mœcenas, it was said, had counselled his master to furnish public occupation to as many of the citizens as possible, in order to attach them to the Government by interest, and at the same time give them experience in affairs. It might be deemed of no less importance to divert their restless energies into safe and useful channels."* We know that, in pursuance of this policy, Roman colonies enjoyed a municipal constitution, administered by a senate and officers of their own appointment; and this local arrangement was gradually extended under the first emperors to the provincial cities generally.† 'And it was something more than the mere shadow of domestic Government that was thus conferred upon the provinces. "Rome had a marvellous power", says M. de Champagny, in his recent valuable work on 'Les Cesars', "of perceiving how much of independence would suffice to content nations without being dangerous, and I doubt whether any free and sovereign city of our modern Europe, Cracow for instance, is so completely mistress at home, as Rhodes, and Cizicus were allowed to be under Augustus, whether there is any Senate so much respected as the

* *Hist. of the Rom. under the Empire.* III. 518.
† Ditto 526-7

Curia of Tarragona, or the Council of Six Hundred at Marseilles; or a burgomaster whose powers of police are so sovereign as those of the Suffete at Carthage or the Archon at Athens were allowed to be." *

Coming down to modern times, Prussia and Russia will be perhaps acknowledged to be two European kingdoms, where centralization and despotism may be said to be most rampant. In Prussia, however, the King granted, of his own accord under the advice of his sage ministers Stein and Scharnhorst, a large and liberal municipal law which, with the other three great reforms inaugurated at the same time, the redemption of the peasant's glebe, the educational reform, and the landwehr system, have combined to raise that country to one of the proudest positions in Europe and the world. Mon. de Coulanges, in reviewing Mon. Hesse's Work on 'LAdministration provinciale and communale en France et en Europe,' thus describes the Prussian commune:—"Elle forme un petit etat libre; elle élit son conseil communal, qui nomme le maire et l'adjoint. Ce conseil se reunit sans qu'il soit nécessaire que l'autorité l'ait convoqué. Il vote son budget, nomme les employés communaux, et a la direction souveraine de ses écoles, de ses établissemens de bienfaisance, de sa police. Sauf certains cas prévus, il n'a pas besoin de solliciter l'approbation de l'autorite. Ses actes ne peuvent être annulé's que s'ils sont contraires aux lois. Ces communes Prussiennes, qui jouissent de tant d' indépendance, ne paraissent pas en faire un mauvais usage. Maitresses d'elles-mêmes et exemptes de tutelle, elles s'entendent bien à gerer leurs intérêts. Elles s'administrent sagement leur propriétés et reglent avec bon sens leurs affaires. La liberté communale, loin d'âtre un embarras en Prusse, est un gage de sécurité, de prosperité et d'ordre public. C'est peut-être elle aussi qui fait supporter la monarchie.'† The same

*Vol. II. p. 338 *West. Rev.* July 71. p. 9.

† *Rev. des Deux Mondes-Ier Juillet* 1871. p. 238.

lesson of, not only the harmlessness, but the positive wisdom and utility of introducing free municipal institutions in absolute and despotic governments is taught by Russian history. In Russia, the political despotism is of the closest character; still the Russian municipal commune enjoys great rights and liberties, and is allowed to manage its own local affairs. The history of municipal institutions in France affords a crucial instance in favour of the proposition we are trying to establish. Roman legislation early clothed the Gallic towns with municipal rights and privileges, and the French municipalities grew vigorously and flourished with great éclat till the end of the 15th century. About that period, Louis XI, equally anti-aristocratic and anti-democratic, as pointed out by M. de Tocqueville, destroyed the whole popular and democratic character of the administration of the towns, and restricted the government of them to a small number of families attached to his reforms, and bound to his authority by immense advantages.* Still some of the towns of France continued down to the close of the 17th century to form, as it were, small democratic commonwealths in which the magistrates were freely elected by the whole people, and were responsible to the people—in which municipal life was still public and animated. These elections, says M. de Tocqueville, were generally abolished for the first time in 1692 by Louis XIV. The municipal offices were then what was called put up to sale (*mises en office* was the technical expression), that is to say, the king sold in each town to some of the inhabitants the right of perpetually governing all their townsmen.† In its immediate effect, this measure cost the towns at once their freedom and their well-being; its more remote, but not less certain, results are thus described in an article in the *Edinburgh Review* for July on 'Communal France.' "We think it has been shown that the municipal institutions of France

* *France before the Revolution*, pp. 42 and 89.

† Ditto, p. 75-6.

have never enjoyed or received their proper functions, *viz.* the independent control of local affairs by elected magistrates in subordination to the general laws of the kingdom, and that whatever power they did possess in the Middle Ages had been gradually subverted by the crown, and was finally destroyed by the Revolution. But one of the effects of the destruction of legitimate municipal power has been that, in the absence of traditional or organized control, based on usage and law, the popular forces of the commune have made themselves felt in a violent and irregular manner at all periods of social commotion, that they have at once assumed military power and usurped a supreme authority in direct opposition to the sovereign will of the nation and the state."* "En France", says M. de Coulanges, "tous les mécontentmens et tous les désirs d'innovation se portent en un seul faisceau contre le pouvoir central, et le renversent tous les quinze ou vingt ans." The French communes have thus alternately proved to be instruments of despotism or centres of revolution.

I think we may now take it as established that, if historical analogy and experience are to guide us in this matter, they are strongly and uniformly in favour of the wisdom and expediency of conferring the municipal franchise on Indian towns. Such a measure would, so far from being inconsistent with, and dangerous to, British supremacy, tend powerfully to attach and reconcile the subject races to British government, would increase its strength and stability, and would go far towards providing against a sudden, violent, and revolutionary overthrow.

Having disposed of these preliminary objections, it now remains to be seen whether the Indian towns possess the positive qualifications laid down by writers on representative government as necessary before they could be declared fit for free representative institutions. These qualifications may be briefly described to be readiness

* *Ed. Rev.*, July 1871, No. 273., p. 268. See also p. 255.

and ability to preserve and work the institutions that may be conferred upon them. Confining ourselves to the town of Bombay, with which we are at present concerned, no one who has watched the active part which the public have taken for the last six months in the agitation about municipal affairs, can entertain any doubt as to their ready alacrity. Without proper guidance, instruction, or organization, they have discussed municipal questions, prepared petitions, formed rate-payers' committees, held public meetings, and passed resolutions. It may be safely presumed that people who could improvise representation in this manner without being asked, would not be backward in availing themselves of a municipal franchise if it was conferred upon them. Then as to ability, if we take the masses of the people, the populations of Indian towns would compare most favourably with the populations of European towns with a municipal franchise, in point of shrewdness and intelligence. "The natives of India," says Sir H. Maine, "for poor and ignorant men, have more than might be expected of intellectual quickness."* In the case of Bombay, a commercial seaport and metropolitan town, this natural aptitude is enhanced by the enlightening influences of foreign contact, so much so, indeed, that anybody who has had opportunities of forming a comparison can safely say that our town can vie in this respect with some of the largest and greatest towns of England and France possessing the right of electing their own municipal bodies.

Perhaps here an objection might be raised, arising from the peculiar position of this country, subject to a nation superior to its people in point of civilization. It might be urged, that the higher education and civilization of the rulers, numerically inferior, would fail to be adequately secured in a free municipal representative body, and all the intelligence of the people would fail to point out to them the advisability of securing their invaluable co-operation. Such a consequence, however, need not be apprehended

* *Vill. Com.*, p. 56.

when we consider the high position and great influence which is possessed by Anglo-Indians. Still this difficulty, if it really existed, might be met by a similar expedient to that adopted in the constitution of the English Board of Guardians, in which the justices of the peace of the district sit *ex-officio* along with the elected members, in number limited by law to a third of the whole.* A number of members, holding positions of public trust and importance, might be similarly incorporated *ex-officio* in our elected body, thus ensuring the admixture of a certain amount of the highest intelligence and education in the town.

From all these considerations, it is thus obvious that the town of Bombay is pre-eminently fitted for the introduction of a municipal representative body, elected by the rate-payers themselves. And if this be so, very little reflexion will show us that no more efficient or better remedy can be proposed for all the different varieties of municipal grievances and evils, real or unfounded, which have been proclaimed from different quarters. If the executive officers are too dictatorial and overbearing, such a powerful responsible body can be confidently relied upon to check and control them. If the expenditure is too extravagant, such a popular responsible body can be safely trusted to reduce it within the farthest limits consistent with efficiency. If the incidence of taxation is unjust, unequal, and wrong in principle, such a representative body may be fairly expected to consider it carefully and maturely, and settle it with a due regard to the interests of all classes, rich or poor. If the present financial state of the municipality is in confusion and disorder, such an active and responsible body may be reasonably charged with the task of restoring order, of considering whether the deficit should be met by fresh taxation or by a system of loans and sinking funds in respect of expenditure incurred in reproductive and permanent works, of determining

* Mill's *Rep. Govt.*, 2nd. Ed., p. 277.

whether the appropriated special funds ought to be replaced or not, and of starting the new municipal era with a clear balance-sheet and an available surplus. Such an independent and popular body may also be expected fearlessly to fight the battle of the municipality against such inequitable encroachments of Government as the withdrawal of the Police grant. And, after the redress of immediate and pressing grievances, such a body may be left, not to administer and govern for which it is radically unfit, but to fulfil its proper function, to watch and control the executive government; to throw the light of publicity on its acts, to compel a full exposition and justification of all of them which any one considers questionable, to censure them if found condemnable, and if the men who compose the executive abuse their trust or fulfil it in a manner which conflicts with the deliberate sense of the people to expel them from office, and either expressly or virtually appoint their successors.*

Instead of proposing a comprehensive measure securing such a thorough radical reform, the leaders of the present reform agitation have brought forward a remedy which might well make us exclaim, 'Heat not a furnace for your foes so hot that it do singe yourselves.' Not that they were utterly insensible to its merits, but they allowed themselves to forget its importance and deliberately to sacrifice the chances of obtaining it, in a personal quarrel with the executive as to the dignity of the Bench and of some of its members. Their conduct is open to this interpretation from the circumstance that, as if it were to obtain this, in a manner, personal end, they urged a scheme of reform opposed to one of those rare principles of political science, with respect to which all shades of opinion have come to a unanimous conclusion. I watched anxiously their speeches during the Reform debates to see, if in recommending the establishment of an executive Town Council, they had any special reasons for overruling one of the most

*Mill's *Rep. Govt.*, 2nd Ed., p. 104.

well-established of political axioms. But there was not one such argument advanced during the whole debate; indeed, in their hot anger, the advocates of the motion seemed wholly unconscious that they were supporting an exploded fallacy. And it would indeed prove not a day of blessing, the day on which the municipal reform agitation was launched, but a day of woe and curse, if the recommendation of its leaders is at all adopted. For with the Bench as it is at present constituted, or even with a Bench organized on such a popular and responsible basis as we have sketched above, the vesting of the executive authority in a Town Council would be a retrogressive step, plunging the Municipality into a gulf of mismanagement, inefficiency, and jobbery such as the wildest rumours have not dreamed of ascribing to the administration of the late Commissioner. The only safe and efficient way of disposing of the executive authority is to vest it in a single responsible officer. The description of an executive board given by Bentham in his *Letters to Lord Grenville* on Scotch Judicial Reform is well-known. 'A board, my lord, is a screen. The lustre of good desert is obscured by it, ill-desert slinking behind eludes the eye of censure: wrong is covered with a presumption of right, stronger and stronger in proportion to the number of the folds.'* In another place, he says, 'The greatest danger in plurality, either in a tribunal or an administrative council is that it diminishes responsibility in many ways. A numerous body may reckon on a kind of deference on the part of the public and may allow itself to perpetrate injuries which a single person would not dare to do. In a confederation of many persons, the single individuals may throw the odium of a measure upon the others: it is done by all, it is acknowledged by none. Does public censure rise against them? The more numerous the body, the more it is fortified against external opinion; the more it tends to form a kingdom within a kingdom—a little public having a peculiar

* *Bentham's Works*, Bowring's edition, Vol. 3., p. 17.

spirit and which protects by its applause those of its members who have incurred general disgrace.'* That numerous bodies, popularly elected or otherwise constituted, ought not to administer, is a maxim 'grounded', says Mr. J. S. Mill, 'not only on the most essential principles of good government, but on those of the successful conduct of business of any description. No body of men, unless organized and under command, is fit for action in the proper sense. Even a select board, composed of few members, and those specially conversant with the business to be done, is always an inferior instrument to some one individual who could be found among them, and would be improved in character, if that one person were made the chief, and all the others reduced to subordinates.'† The result of entrusting administrative and executive powers to boards, councils or representative assemblies, is, says the same great political thinker, 'jobbery more unblushing and audacious than the worst corruption which can well take place in a public office under a government of publicity.'‡ History and experience verify the conclusions of both these thinkers. The English parliament, in its wildest mood, has not thought of meddling with the integrity of the executive powers of Secretaries of State. The most democratic republics have not yet ventured to entrust executive and administrative functions to any but singly responsible Presidents. Formerly it was the Council of Madras or Calcutta which decided everything by a plurality of votes; now the Governor decides everything in the last resort. To take examples more closely bearing on our present point, the example of English Town Councils was urged to recommend the establishment of a similar body in Bombay. Hear what a man of such liberal tendencies as Mr. Herbert Spencer says of them. 'Town Councils', he says, 'are not conspicuous for either intelligence or

* Vol. 1, p. 571; also, Vol. 6, p. 558; Vol. 9-pp. 214-5.

† *Rep. Govt.*, Sec. Ed. p. 90-1.

‡ p. 93. See also p. 284.

high character,'* and extravagance is one of their most notorious vices. American Town Councils teach the same lesson. Under the New York Town Council, the New York people pay 'over a million and a half sterling, for which they have badly paved streets, a police by no means so efficient as it should be, though much better than formerly, the greatest amount of dirt north of Italy, the poorest cab system of any metropolis in the world, and only unsheltered wooden piers for the discharge of merchandise.'† The greatest Town Council in the world, the Corporation of London, is characterized by Mr. Mill as 'an union of modern jobbery and antiquated foppery.' All these examples, however, are of boards and councils whose evil effects are to a great extent counteracted by the working of the popular elective principle on which they are constituted. When they are not popular elective bodies watched by public vigilance, they are apt to be more dangerous still. Look at the Town Councils of the English boroughs before the elective principle was universally introduced into them by the Municipal Corporation Act of 1835, characterized by the Commissioners appointed to enquire into them as hot-beds of inefficiency, corruption and jobbery. We are not also without local experience on this subject. We all know how much of municipal improvement was effected by the Board of Commissioners, the predecessor of our present municipal government. But not only did it effect nothing, but it also left the municipal accounts and municipal finances in a state of muddle and inextricable confusion, before which the present state of our accounts and finances, even taken at their worst, would be regularity and economy themselves. "Upon a recent occasion", says Mr. Cassels in his speech on the second reading of the Municipal Bill, "the President of the present Commission opposed the nomination of one of his subordinates as a candidate for the office of Commissioner on the ground

* *Essays*, p. 191-2. † This was written in 1863.

that a sum of 3½ lacs of rupees in the accounts of his office had remained for many months unaccounted for, although that officer had been repeatedly called upon for explanation, and in the letter from which I have quoted, you will remember it was stated that a sum of over three lacs had figured at the credit side of the balance-sheet, although not a single rupee of the amount had been actually paid. Even in the statement laid by the Commissioners before the Bench as the justification of their letter, an error of ten lacs was discovered at the meeting."* With such facts before us, it is a matter of no little wonder that the municipal reform leaders should have allowed themselves to propose a remedy worse than the disease taking that disease even in its worst aspect and as diagnosed by themselves. It would indeed be reforming ourselves with a vengeance, to set up King Stork in the place of King Log, a hydra-headed Town Council in the place of a single executive officer. We may thus conclude, that if real reform is to be secured, the executive functions of the Municipality must be entrusted, under the control and guidance of such a popular representative body as we have described above, to a single responsible officer, call him the Municipal Commissioner or what you like, so long as he has undivided executive power and responsibility. In connexion with this subject is the question. With whom should the appointment of the executive officer rest? The most liberal political thinker of the present age emphatically lays down that such an officer should be nominated, not elected, as election by the population is a farce, appointment by the local representative body little less objectionable. Such bodies have a perpetual tendency to become Joint Stock Associations for carrying into effect the private jobs of their various members.† Watched and scrutinized, however, by these bodies, the appointment of the executive may be safely left to the Local

* Proceedings of the Bombay Leg. Coun., Vol. IV, p. 6.

† Mill's *Rep. Govt.*, p. 284-5.

Government. One appointment, however, that which we know by the name of the Controllership of Accounts, being essentially antagonistic to the executive and consequently requiring above every thing to be independent of it, may be advantageously left in the hands of the representative body. Elected by that body he could be confidently relied upon to watch vigilantly and report, if its controlling orders are properly obeyed and observed.

I have now indicated, though imperfectly and briefly, the direction in which municipal reform ought to be pushed, and the means by which it might be accomplished. We saw that municipal affairs were driven to an imminent and critical point by the end of 1864. We saw how a strong rule and strong measures were required to grapple with and overcome the great municipal crisis of 1865. We saw how an able and energetic, though irregular, informal, and sometimes illegal municipal administration of six years achieved a signal triumph over that crisis and steered us clear of it. We then observed that, its work done and its mission accomplished, such a dictatorial municipal government must, as speedily as possible, be superseded by government under a constitutional regime. We pointed out how such a constitutional regime could be inaugurated. We pointed out that the people of Bombay were as deserving of a municipal franchise as any town of the Western world, and that the real salvation of its municipality lay only in such a measure of thoroughness. We pointed out that, concurrently with such a popularly elected body, the executive functions must be vested in a single responsible officer, nominated by the Local Government, but watched by a Controller of Accounts elected by the popular assembly. Against such a plan of reform, the reform leaders in the wake of Mr. Forbes have centred all their hopes in an executive Town Council. But I repeat that it is not wisdom to propose a remedy worse than the disease in the face of all principle and experience, nor is it patriotism to sacrifice large public interests to vindictive anger against an

individual, however deserving even he may be of it. It is a pity to discover that all the public spirit and all the creditable exertions, brought out by the present municipal reform agitation, will have been utterly thrown away, or, if successful, will only end in retrogressive measures threatening to plunge the town into greater confusion and danger than ever existed before. It is not however too late. The obnoxious Commissioner is gone, the new Municipal Bill is still in course of construction. Before its completion, there is still a splendid opportunity for our reform leaders to earn the eternal gratitude of the town of Bombay for acquiring for it a really efficient municipal organization, and at the same time, of all India, for having inaugurated by their exertions a system fraught with the fairest promises of a great political development.

CONSTITUTION OF THE BOMBAY MUNICIPALITY.

[*The following speech was delivered by Mr. Pherozeshah M. Mehta at a meeting of the Bench of Justices held on Friday, 21st June, 1871, in the Durbar Room of the Town Hall with reference to the question of the Reform of the Constitution of the Municipality of Bombay.*]

Mr. Chairman,—It is not without considerable hesitation and diffidence that I rise to offer a few remarks on the propositions that are now before the meeting, unable as I am to agree with the essential features of any of the schemes of municipal reform that are submitted to us for our consideration. I am not unaware that the taking up of such a position is deprecated on all hands by members of the Bench and people outside for whose opinion I have the highest respect. It is urged by them, that in the present juncture of municipal affairs, it is incumbent on us to be practical and moderate, that we should give in our adhesion to one or other of the schemes before us as the only ones having any chance of being viewed or received favourably by Government, and that we must not lose the little we can obtain in the quest of something more desirable. Now I confess, Sir, that this argument would be most convincing and conclusive if any of the schemes of municipal reform advocated before us today offered us a modicum (however small it may be) of municipal reform, but which was at the same time substantial and *bona fide* and which advanced us perceptibly in the path of the improvement of our municipal institutions. Now I have been obliged, though most reluctantly, to come to the conclusion that I can agree with the advocates of either scheme only so far as they expose the utter hollowness and inadequacy of the proposals of their adversaries. Both sides are perfectly successful in demolishing the arguments of their opponents but are totally unable to maintain their own and to show satisfactorily that their proposals, if adopted, would secure even a moderate settlement of the municipal

question. For let us examine these resolutions calmly and carefully, and I venture to say that we shall not have far to go to point out that actual experience has already shown that they are impotent for any real purpose of municipal reform. I think that the criticism of the essential point of Mr. Forbes's proposals contained in the first part of the amendment proposed by Captain Hancock, hits accurately a very great defect in Mr. Forbes's plan. I agree with Captain Hancock in thinking that to vest the executive authority in a Town Council assisted by a Secretary, is the resuscitation of a plan already tried and condemned by experience as wrong in principle and inefficient in practice. I must say with all due deference, that Mr. Nowrojee Furdoonjee's indignant disclaimer against instituting any comparison between the old Board of Conservancy and the proposed Town Council was characterized more by assertion than by argument. He did not even attempt to show what essential difference there was between the old Board and the present proposed Town Council that could justify the hope that the latter would succeed where the former had failed. Nor was his comparison with the Town Council of Liverpool more conclusive. I have no doubt that Mr. Nowrojee Furdoonjee took very great pains to make himself intimately acquainted with the constitution and working of that *beau-ideal* of his, of the Town Council of Liverpool, but when he proceeded to predict a promising future for the Town Council of Mr. Forbes's scheme from the proved excellence of the Liverpool Town Council, on the ground that they were similar, the *only* difference being that the latter was founded upon the elective principle, I also had no doubt that Mr. Nowrojee had familiarized himself with another English institution, the practice so well known to English shopkeepers of urging the irresistible argument of *only* a guinea. On that principle you could easily prove that a dead body was as good as a living body, the *only* difference being that the latter had what the former had not, a life, a vital principle.

If he thought so little of this difference, what he ought to have compared his Town Council with, were the Town Councils of the English boroughs before the elective principle was universally introduced in them by the Municipal Corporation Act of 1835, characterized by the Commissioners appointed to enquire into them as at once inefficient, mischievous and corrupt. I do not concur with those who pass a wholesale condemnation upon the system of municipal government in the English towns, not even after they press into their service the authority of the *Quarterly Review*—a review which, after all, is only the exponent of the views of the same party who struggled frantically against the passing of the Corporation Act of 1835; but I do believe that in recommending an executive Town Council, Mr. Forbes is copying by far the greatest blunder of the English Act, to which alone is attributable whatever inefficiency, mismanagement and corruption still lingers in English municipal government. It is the want of a responsible executive officer that has marred to a very great extent the utility of the English Municipal reform of 1835. The only effect of the establishment of Mr. Forbes's Town Council would be to substitute in the place of one responsible executive officer a heterogeneous body of men equally powerful, men incapable and difficult of being controlled and with their responsibility so attenuated by division and sub-division as to render them practically and really entirely irresponsible. I am afraid that the framers of Mr. Forbes's plan have failed to see that what they should have aimed at was not so much to destroy the executive authority, so far as it was necessary for good and energetic administration but that they should have devised some means sufficient and capable to keep that authority within its proper and defined limits. As I understand it, the complaint against the Municipal Commissioner, true or false, is not that his powers are inordinately large but that he exceeds them and defies the limits placed on them. I must say that the true remedy for such a complaint does

not lie in substituting in the place of one responsible Municipal Commissioner a whole host of practically irresponsible Commissioners.

But, while I concur with Captain Hancock in his estimate and criticism of the proposals brought forward by Mr. Forbes, I must say that he fails in making out a case for his own substantive plans. The Town Council proposed by him, and the same may be said of that of Mr. Narayen Vasudevji, would be nothing more than a consolidation of the already existing Standing Finance and other committees of the Bench, and if that is all that is considered necessary for municipal reform, there is no need for all this agitation or for an Act of the Indian Legislature, to carry out such a consolidation. But the general public feeling on this subject indicates a deeper sense of dissatisfaction and points to a greater failure than is suggested or encountered by Captain Hancock's remedies. Indeed it seems to me that all the schemes of Municipal reform presented to us fail in their object because their authors have not succeeded in probing the real causes of the failure admitted on all hands, of our present municipal system. I cannot help saying that it is a very superficial observation, that on the one hand ascribes this failure to the existence of a municipal dictatorship and on the other to the unwieldy and bulky character of the Bench of Justices. This may be so, but the radical causes of this failure lie deeper, and they lie in the nature of the very constitution of the Bench of Justices itself, elected by Government and elected for life. What is the popular meaning at present of a Justiceship of the Peace? Some sort of honor most people will say, at least in the main. The idea that it involves municipal duties and municipal responsibilities is, at least in the generality of cases, very vague, shrouded much in the back ground and withal of a very passive character. What can be expected from a conglomeration of men with such ideas? Mr. Forbes tried to excuse and justify the Bench at the expense of Act II of 1865. But when he was speaking on that point,

it seemed to me that every instance that he produced proved exactly the contrary. If the expenditure was extravagant, why did not the Bench exercise the powers given to it by sec. 35 of the Act? Mr. Forbes stated that Dr. Dallas once attempted to do so in a summary manner but was told that that could not be done. Very true; why did he not then attempt to do so in the manner indicated by the Act item by item? Mr. Forbes then drew a very dramatic picture of the terrible things that would have happened if they had reduced the budget estimates and the necessity they would have soon been under to prostrate themselves before the Commissioner seeking and begging for pardon. I must say, however, that with more respect for the dignity of the Bench he might have remembered that there was another alternative open to them. He might have remembered that not more than two-thirds of the Bench could have obliged Government to dismiss such a contumacious Commissioner under sec. 11. I must say that so far as Mr. Forbes's grievances are concerned, it is not Act II of 1865 that is to blame, but it is the Bench of Justices themselves. The only efficient radical remedy would be to change the constitution of the Bench of Justices in a manner to bring before them clearly, forcibly and vividly, a sense of municipal obligation and municipal responsibility disregard of which would entail exclusion from it. And here it is that the English Corporation Act deserves to be followed in the large popular and responsible basis on which it has founded its system of Municipal Government. There never will be efficient Municipal administration in Bombay till there is a popular and responsible Bench of Justices elected at regular intervals by the rate-payers themselves, a consultative Town Council elected out of it, with a responsible executive officer at its head appointed by Government, and a controller of accounts appointed by the Bench to control the Commissioner. I am aware that most people scout this idea as chimerical and visionary, and even if desirable, impossible to get accepted

by Government. One gentleman at our last meeting tossed it over to the next generation—a generation of Nowrojee Furdoonjees—though, with remarkable logical ingenuity, he immediately after proceeded to meet that very idea half-way. However, I say that, if desirable, it is our duty to present it firmly before Government, and I venture to say that the time is now past when strong popular opinion on any subject can be successfully resisted by Government for any length of time. But, say people, it is dangerous and absurd to bestow an elective municipal franchise upon people incapable of appreciating or exercising it properly. It is said that there is a radical incapacity in Indians for representative institutions, municipal or political. A more untrue proposition was never put forward, or one more opposed to the opinion of people most qualified to speak on the subject. I will not detain the Bench by quoting authorities, but I cannot resist the temptation of reading a short opinion of a gentleman well-known to us all, Mr. Anstey. It was given at a meeting of the East India Association in London:—

'We are apt to forget in this country when we talk of preparing people in the East by education and all that sort of thing for Municipal government and Parliamentary government (if I may use such a term) that the East is the parent of Municipalities. Local self-government in the widest acceptation of the term is as old as the East itself. No matter what may be the religion of the people who inhabit what we call the East, there is not a portion of that country, there is not a portion of Asia from west to east, from north to south, which is not swarming with municipalities and not only so but like to our municipalities of old, they are all bound together as in a species of net-work so that you have ready-made to your hand the frame-work of a great system of representation and all you have to do is to adopt what you have there and invite the municipalities to send you their delegates.'

For these reasons I feel convinced that the time has now come when the municipality of a town like Bombay ought to be founded on a larger popular basis, and that in such a bold and decisive measure alone is its real salvation and efficiency. I cannot therefore consent to vote in favour of measures which, without doing any perceptible good, nay, most probably proving mischievous, would only postpone real reform. I have given, Mr. Chairman, at some length my reasons for the position I have taken up, for as partisanship is supposed to be the order of the day, it may be misunderstood.

SPEECH ON THE VOLUNTEER MOVEMENT.

[*A great meeting in support of the Volunteer movement was held in the Town Hall, Bombay, on Saturday, the 30th June*, 1877, *under the presidency of his Excellency the Governor. On his Excellency asking if any gentleman wished to address the meeting, Mr. Pherozeshah M. Mehta made the following speech.*]

After the very graceful compliment paid to the peace-loving and loyal character of the inhabitants, I think I shall not be wrong if I express a feeling of surprise at the character of the resolution which has now been laid before this public meeting of the people of Bombay. (*Hear, hear.*) I have not the slightest object in opposing the very excellent project which his Excellency and the gentlemen who have followed him have laid before this meeting for the formation of a Volunteer corps for the better preservation of the safety of the town and island of Bombay. But, gentlemen, the proposition now laid before you is for forming a corps which shall consist of only one of the numerous classes which compose the varied community of this city. The Volunteer corps which is proposed to be formed is to be solely and exclusively amongst the European inhabitants of Bombay. (*Hear, hear* and some 'hisses'.) Now, gentlemen, I do not wish to say one word as to the advisability of such a corps, and I don't mean to say a single word as to the advisability of raising a Volunteer corps from the native portions of the community (*hear, hear*), but I think that the native inhabitants of Bombay who have attended this meeting in such large numbers may well complain at being called here simply to assist at an exclusive movement of this sort. (*Hear, hear.*) If the European inhabitants of this town had convinced themselves of the necessity and desirability of forming a Volunteer corps among themselves, it was certainly open to them to have called a meeting of their own people and to have taken such steps as they might think fit to carry out their project, but I must admit that it seems to me

extraordinary conduct on the part of the promoters of this meeting to try to do this in the presence of all the inhabitants of the town. It seems to me, and though I say it with regret and diffidence I think I should say it boldly, that the native inhabitants of this town, when a proposition of this sort is laid before a public meeting of the inhabitants, are called to attend simply—if I may be allowed to say so—to assist at passing a vote of want of confidence in themselves (applause). A proposition of this kind to a public meeting of the inhabitants of Bombay is simply asking the native classes to assist at their own execution. Now, there may or there may not be reasons for asking us to exclude ourselves from this Volunteer corps—I do not propose to go into that question now; but I do think that, in fairness and gracefulness, we ought never to have been called to attend a public meeting for the purpose of being asked not to allow ourselves to be included in a movement, the stirring nature and the very patriotic character of which have been laid before us so forcibly by his Excellency and the proposer and the seconder of the resolution now before us. These gentlemen have stirred up our patriotism, they have warmed our blood—(loud laughter: cries of "oh! oh!" and considerable uproar for some seconds)—I repeat, gentlemen, that the stirring eloquent appeals of the gentlemen who have brought this proposition before us have roused our patriotism, and I think the native inhabitants have an equally good claim to be considered patriotic and loyal as any other section of the community of this town. (*Hear, hear.*) I say they have stirred up our patriotism, and now they quietly ask us to sit still and watch the raising of a corps from which we are to be excluded. Your Excellency and the gentlemen present will allow me to say that I speak in no spirit of mere party obstructiveness; my object is simply to state that the inhabitants of this large town publicly assembled ought not to be asked, even for very good and valid reasons, to assist at their own execution. It is in order to avoid anything of

this kind being maintained in future action that I beg to propose this amendment—"That it is not advisable to resolve on the formation of a Volunteer corps composed exclusively of Europeans, in a public meeting of the inhabitants of Bombay." (Applause.)

Mr. Kashinath Trimbak Telang made the following speech:—In seconding the amendment, I do not intend to address the meeting at any length. All I wish to say is that if there are any native inhabitants of the town and island of Bombay who are desirous of joining this movement, no reason has been shown by the proposer or the seconder of this resolution why they should be excluded. I certainly expected, on seeing such a large number of natives present at this meeting and especially after the compliment which has been paid by his Excellency to the loyal and peace-loving character of the inhabitants, that some reason would have been assigned why the resolution proposes to exclude natives from the corps. I do not know that there are many natives who would wish to join (*hear, hear* and laughter), but probably some would, and I think the resolution should be worded so that there would be no such exclusion, and so that, if there are any natives who wish to join, they may be at liberty to do so. (Applause.)

The Governor, Sir Raymond West and others having given assurances that it was intended to call a meeting only of the European inhabitants of Bombay, and that the word "European" was inadvertently omitted from the notice calling the meeting, the amendment was withdrawn.

LEADERSHIP OF THE PARSEES.

[*Mr. Pherozeshah M. Mehta addressed the following letter to the "Times of India" on the above subject. It was printed in that paper on the 23rd July*, 1877.]

Sir,—For several days your paper has teemed with letters on the subject of the public recognition of Sir Jamsetjee Jeejeebhoy as the head or leader of the Parsee community. If the loud assertions contained in those letters could be relied upon, there is a strong and extensive opposition, especially among the educated young men of the community, against the movement. I have no contemptible opportunities of observing the feeling of the community on this subject, and I am inclined to think that the opposition is more vehement and vociferous than general or widespread. Still it is not undesirable to jot down shortly and temperately, the reasons which have induced men like myself to join in heartily supporting and promoting this movement. In the first place, let us endeavour to realize clearly what it is that it is proposed to do. It seems to me that advantage has been skilfully taken of the vagueness with which the object and the extent of the movement have been proclaimed, to enlist on the side of the opposition our young men by working on some of abstractedly the finest impulses which their classical education has instilled into them. It is distantly insinuated that the object is something like that of appointing a king or a tyrant, a political ruler, a military chief, or a social censor, and immediately hands are lifted in astonished horror, that in these civilized times the idea should even be entertained for a moment of electing an inexperienced and untried youth for such a purpose. If this be indeed so, if Sir Jamsetjee by being nominated the head of the Parsee community is supposed to have sometimes to lay down laws and regulations for them, now to sit to administer justice, then again to lead forth the serried ranks of Parsee heroes determined to

do battle for any good cause whatever, then indeed there is not a word to be said in defence of the monstrous absurdity of the movement. But nobody has ever dreamed of proposing anything of the sort. The whole mischief is owing to the use of the unlucky word "leader." George Eliot says somewhere:—'O, Aristotle! if you had had the advantage of being the freshest modern instead of the greatest ancient, would you not have mingled your praise of metaphorical speech as a sign of high intelligence, with a lamentation that intelligence so rarely shows itself in speech without metaphor,—that we can so seldom declare what a thing is, except by saying that it is something else?' One cannot help regretting that a word was ever used in reference to this movement; the associations connected with which are peculiarly apt to carry away the young enthusiastic mind. When it is proposed to recognize Sir Jamsetjee as the head or leader of the community, all that is intended is to nominate him as a sort of life-chairman of its public meetings and its representative in its collective capacity for the purposes of communication and intercourse with other bodies or communities. It is not sought to endow him with any powers that can in the least degree interfere with the freedom and independence of the community. It is almost superfluous to add that it is not sought to confer any civil or criminal powers in connection with the headship. Those among the opponents of the movement, whose merits qualify them to lead as political rulers, military chiefs, or religious prophets may rest assured that their worth and their abilities will bring them to the front in the hour of need. But the qualifications required for a mere headship as I have described above are not of the same transcendant character. What is wanted for such a purpose is chiefly a name of prestige, a position of social precedence and social honours, the bearing and disposition of a gentleman. Now I entertain high respect for many of the leading members of the community. But at the same time, I venture to say that in no member of

it are these qualifications more eminently united than in the head of the Jamsetjee Jeejeebhoy family. But then it may be asked, where is the necessity for such a recognition of a head and a public recognition too, when we have been able to pull on so long without one? The answer is this. If the Parsees can manage to merge in the general mass of the Queen's Indian subjects, then there is no such necessity. But whatever may be the future destiny of the Parsees, such a thing is not possible in the present. On the contrary, Parsees, as at present constituted, are distinguished as inferior only to the Jews in the tenacity with which they cling to an exclusive nationality. Then if the community is anxious to preserve its cohesion for common action and for collective representation as it cannot act *en masse* it must have some body to call it together for the one and represent it for the other. In older times, the Punchayat fulfilled these functions. But that old body degenerated and became extinct. The people who are now called in common parlance members of the Punchayat, are merely trustees of certain funds and are elected only among themselves under the provisions of their trust deeds. The place of the old Punchayat was more or less filled by the first two Sir Jamsetjees by the tacit force of their own works and their English title. But even they were not entirely able to suppress the feuds of jealousies and rivalries. This became most manifest at the time of the recent local riots, and those alone who had something to do with the Parsee movement of those days know what delay and vexation were entailed in consequence. But the necessity for a public recognition was never greater than now. While it is impossible to pass over the claims of the Jamsetjee family to the foremost position in the community with their native prestige and their English title, the youth of the present Sir Jamsetjee is likely to lead to a scramble for the honour of representing the community in which he is totally disqualified from joining by his modest and retiring disposition as well as by a sense

of the dignity which he is now bound to maintain as the head of his family. The result would not be a very edifying one. None of the likely claimants has any chance of securing the prize for himself while he might succeed in keeping Sir Jamsetjee in the back ground. The community in the meantime would remain in a state of disorder and confusion for its corporate purposes. The sole aim and end of the promoters of the present movement is to prevent such a consummation by adopting the only remedy available in time. It is the intelligence of the educated young men even more than that of the other members of the community that should now come forward to give warm and hearty support to a project of such foresight, instead of allowing itself to be led away by false analogies and vague denunciations. It is only by helping to create some organization of this sort that they can hope to introduce many desirable changes and reforms in the community. It may be that even then they may partially or totally fail, but without some such organization it is almost hopeless to think of them.

July 21st. P. M. M.

THE ADMISSION OF NATIVES INTO THE INDIAN CIVIL SERVICE.

[*A public meeting of the native inhabitants of Bombay was held on Saturday, 15th December, 1877, under the auspices of the Bombay Association at the Framji Cowasji Institute for the purpose of adopting a Memorial to the British Parliament in regard to the new Rules of Admission of natives into the Indian Civil Service. Sir Mangaldas Nathubhoy, Kt., presided.*]

Mr. Pherozeshah M. Mehta in seconding the resolution,* said:—The task of seconding the resolution has been entrusted to my hands, and I have undertaken it most readily because, I feel persuaded that the time has now arrived when from all parts of India, we should send forth an united and energetic appeal before the people of England in Parliament assembled, protesting against the injustice and inexpediency of the policy which is being pursued with regard to the question of the admission of natives into the Civil Service of their country. I earnestly believe, that we should be wanting in our duty to both the countries with which we are connected—the country which gave us birth and the country which governs us, if we allowed this policy to be firmly established without strenuously lifting our voice against it. For the question involved in the resolution before you is fraught with far deeper issues and far larger considerations than appear on the surface. It is not a mere technical question of the limit of age causing certain minor difficulties and inconveniences. Considered in connexion with the measures which have preceded it, this reduction of the limit of age from 21 to 19 strikes a crowning blow at the fair and regular admission of natives to the Civil Service. And it is our right as much as it is our duty to protest

* *Resolution* :—That this meeting views with regret the change which has recently been introduced by the Rt. Hon'ble the Secretary of State for India in the rules regulating the admission to the open competitive examination for the Civil Service of India; because it is calculated to impair the efficiency of the service and to mar the prospects of Indian candidates.

against the mischief and danger of such a policy. It is a policy which is at once in contravention of solemn pledges and binding compacts entered into after an eventful experience, after careful inquiry and after mature and deliberate consideration as to what was best for the true interest of both countries. So far back as the year 1833, on the occasion of those periodical renewals of leases to the East India Company for the government of India, the British Parliament declared with no uncertain voice the principle which they were prepared to follow with regard to this question. By the 87th Section of the Act which was passed on that occasion, it was enacted—'That no native of the said territories, nor any natural-born subject of His Majesty resident therein shall by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the said Company.' Now-a-days we are not unaccustomed to hear the principle enacted in this clause ridiculed by a certain class of Anglo-Indians as the hysterical outcome of maudlin sentimentality or weak philanthropy. But, gentlemen, this noble principle was not embodied in an Act of Parliament by a representative body which has been remarkable for the practical good sense and sobriety of its measures over every other thing, from any such impulses of weakness. In these days it is well to recall that the British Parliament gave its adhesion to this principle because it was convinced that it was as essential for the safety and advantage of its own rule as it was just and generous towards the people of India. It fortunately fell to the lot of one of the greatest men England has ever produced, one who was no less remarkable for the practical soundness as for the enlightened large-mindedness of his views, to give utterance to the reasons upon which this conviction was founded. The class of people of whom I have spoken would fain make us forget, as they would fain forget it themselves, that there were any solid reasons upon which this conviction was

based. But let us tell them that they are much mistaken if they think that we shall ever cease to cherish the utterances in which these reasons were recorded as heirlooms of inestimable value. Gentlemen, you remember that portion of Lord Macaulay's speech in the Government of India Bill of 1833, of which he had the conduct, in which he refers to the question. The same principle was acknowledged still more solemnly and emphatically in 1858. That pledge was given after a stormy experience of trouble and anxiety. Here again it is well to remember that noble and generous as was the pledge, it was not simply a voluntary pledge, it was also a binding compact; peace, obedience, order and loyalty were demanded from the peoples of India, and in return were these promises made of equality and fair play. At the same time with these pledges, the Acts of 1853 and 1858 threw open the Civil Service to admission by competitive examination, and natives were declared eligible just as much as English candidates. I have dwelt on these points more at length because I want to show that they concluded finally three things,—the binding character of the pledges; 2, the free and equal eligibility of natives for the Civil Service; and 3, that they were entitled to be examined by the same tests as English candidates. Now-a-days we hear a good deal from those who want to get out from these solemn pledges as to the inferiority of native *moralé* and the consequent necessity of special tests for examining it. But the point is *res judicata* as we say in legal phraseology. And look at the inconsistency of the argument. An Indian candidate, if he is examined in a room in London can be tested by the same examination as English candidates; let him sit in the Town Hall of Bombay and special tests are required. Now, gentlemen, see how these pledges have been fulfilled. From 1833 to 1853 not a single native was appointed to the Civil Service. From 1858 to 1863 not a single native was able to obtain admission to it. And from that time to this, nine candidates only have been able to compete

successfully for it. Attention was drawn to this state of things and considerable agitation took place in regard to it in the years 1868-70. And successive Secretaries of State for India, the Duke of Argyll, Sir Stafford Northcote, the Marquis of Salisbury, were all convinced that it was owing to the special obstruction in the way of natives in having to go all the way to England to compete in a foreign language at great expense and risk, and with but a chance of success. All the English authorities were honestly anxious to devise remedies to remove these obstructions, but unfortunately reference was made to the Indian authorities and from that moment all our hopes were doomed. I have the highest opinion of the Indian Civil Service. Competition has secured for us one of the best Services in the world; but it was not fair to the Civil Service to ask them to devise measures for the purpose of enabling natives to poach on their ancient preserves. The result was what might have been expected. They recommended a measure which was embodied in clause 6 of the East India Laws and Regulations of 1870. The whole native press protested against it at the time, and I had myself the honour of reading a paper in this very hall on the subject* and resolutions were sent up for presentation to the Secretary of State for India. How have our fears been justified in an experience of seven years? We said the clause would not be worked at all; and that if worked, favouritism and jobbery would be the only outcome. Seven fair years have elapsed and throughout the length and breadth of India from her population of millions, one native has been appointed to a post in the Civil Service. Let us look at the character of the appointment. I wish to speak sincerely with all respect of the gentleman who has been so appointed. But it is well sometimes to speak what everybody thinks and feels, and this appointment, the first of the kind, in which great judgment and care would be naturally employed, shows that our fears about the way in which

* See above pp. 54-80.

the patronage will be exercised are not unfounded. If merit and ability were the tests, we all know who ought to have been appointed—a man of extraordinary abilities, of great modesty of character, but withal unfortunately of fearless independence and fixity of aim and purpose. But still when this clause was passed, we had this single ray of consolation that the old road to entrance in the Civil Service, though beset with special difficulties and obstructions, was open to us in free fight. But as I have said, a crowning blow has been struck even at this last hope and the reduction of age from 21 to 19 takes away all chance from Indian candidates of ever being successfully able to compete with English candidates in England. The only statesmanlike policy worthy of a great nation is that suggested in the memorial, *viz.* setting aside a number of appointments for competition in India. We need have no fears. This loyal and constitutional agitation will in time surely bear fruit. And we can rest assured, when convinced of the justice and the wisdom of this proposal, as convinced they will be sooner or later, our appeal will not be lost on the great English people who have been so just, so good and so generous to us.

CENSORSHIP OF THE VERNACULAR PRESS.

[*Mr. Pherozeshah M. Mehta addressed the following letter to the "Times of India," on the Vernacular Press Act, on the 19th of March 1878.*]

SIR,—Fully recognizing the almost hopeless nature of the task, it is still impossible to sit quiet and not join in leading even a forlorn hope to save the imperial autocrats of the Government of India from the huge and frightful blunder which they are committing in passing the Act for muzzling the Native Press. Never perhaps since the advent of the British Power in India has a measure been brought forward which has caused such painful surprise and mortification to its truest and most sincere well-wishers and friends. Of all the forebodings which were entertained by those who dreaded that the assumption of the title of Empress denoted at the same time the abandonment of that policy so eloquently depicted by Macaulay as "the policy of true wisdom, of national prosperity and of national honour," for the narrow-minded policy of autocratic imperialism, none seemed less likely to be realized than that Englishmen, born and nurtured in one of the most glorious political principles which their forefathers had discovered after a varied experience and proclaimed after a hard struggle and severe tribulation—the principle that the liberty of unlicensed printing was more potent for exterminating ignorant and malicious sedition and slander than the repression of it—should have succumbed to the miserable sophisms which hold up the inevitable stages of blundering and groping in the dark through which all progress must pass as the only real truth of it. Nothing seemed more unlikely than that the poet-viceroy, to whom this principle, dear as "an inherited instinct" and sacred as "a national birth-right," ought to be as clear as daylight, should avow himself to be confused and led away from the steadfast perception of the firm basis underlying it, alike applicable to peoples with whom

such principles have been familiar watchwords for centuries and to peoples who are just struggling into political life and existence; that even he should so entirely forget that it was because the censorship of the press propagated and multiplied the evils which it was invented to put down, that it was condemned and abolished, that it was for the suppression of that very unbridled and extravagant license which has inspired such dread and hurry that the liberty of unlicensed printing was declared most essential. It is really a most melancholy spectacle to observe a statesman of such generous promise dealing in his deluded weakness a most cruel and most fatal blow to one of the noblest experiments that history has ever unfolded—that of initiating oriental nations into systematic political life and existence. For, that the unfailing results of this measure will be to crush down the nascent political growth which was hitherto fostered in this country by the far-sighted statesmen to whom we owe the consolidation of British rule into the mighty Empire it now is, there can be no doubt. Let not the promoters of this measure deceive themselves into imagining that it will not affect honest criticism of the Government and its officers, that it will only put a restraint upon seditious and libellous and malicious instigation and comment. I do not forget that this is all that the Government intends and proposes to do. It would be difficult not to be struck with the earnest assertions of the Hon'ble Mr. Ashley Eden, that criticism be courted, criticism fair and temperate. Though persons uncharitably inclined might insinuate that this is nothing more than what Sir Fretful Plagiary was himself always protesting with his utter intolerance of all criticism, deserved or undeserved, still it may be admitted that there is no reason to suspect insincerity or dishonesty in these professions. But that in process of time it must degenerate into an instrument for generating 'flattery and fustian,' all the teachings of history warrant us in regarding as inevitable. It is at all times

difficult to draw the line between severe, though just, criticism of Government and its measures, and the licentious abuse of them, bordering on the preaching of sedition and the propagation of disaffection. But when the judges of the distinction are to be the very men who are the objects of the criticism, they must be more than human if in course of time and by gradual stages all hostile criticism is not brought within the pale of the proscription. And while base adulation would on the one hand be lavished by servile time-servers, wild rant and unbridled scurrility would on the other, be spouted by unprincipled demagogues who would spring into notoriety and power as the apostles and martyrs of the oppressed masses. This is no idle and baseless speculation; historical experience has once and again verified this phenomenon. Milton tells us how in his time there flourished, 'not once or oftener, but weekly, that continued court-libel against the Parliament and city, printed as the wet sheets can witness, and dispersed amongst us for all that licensing can do.' Macaulay has still more accurately and minutely described the same results in later times in his history of the Revolution of 1688. 'No person', he says, 'who has studied with attention the political controversies of that time can have failed to perceive that the libels on William's person and Government were decidedly less coarse and rancorous during the latter half of his reign, than during the earlier half, and the reason evidently is, that the press, which had been fettered during the earlier half of his reign, was free during the latter half. While the censorship existed, no tract blaming, even in the most decorous and temperate language, the conduct of any public department, was likely to be printed with the approbation of the licenser. In general, therefore, the respectable and moderate opponents of the Court, not being able to publish in the manner prescribed by the law, and not thinking it right or safe to publish in a manner prohibited by law, held their peace and left the

business of criticising the administration to two classes of men—fanatical nonjurors who sincerely thought that the Prince of Orange was entitled to as little charity or courtesy as the Prince of Darkness; and Grub Street hacks, coarse-minded, bad-hearted and foul-mouthed. The emancipation of the press produced a great and salutary change. The best and the wisest men in the ranks of the Opposition now assumed an office which had hitherto been abandoned to the unprincipled or hot-headed. Even the compositions of the lower and fiercer class of malcontents became somewhat less brutal and less ribald than in the days of the licensers. In truth, the censorship had scarcely put any restraint on licentiousness or profaneness.' The experience of Italy, France, and Germany tells the same tale and teaches the same lessons. All the Papal interdicts with its famous Index Expurgatorius succeeded sometimes in proscribing books of merit, but were powerless to stem the torrent of the most uncompromising abuse and the most virulent hostility. In France, just before the Revolution, the restrictive measures were carried so far that in 1764, L'Anerdy published a decree 'by which every man was forbidden to print or cause to be printed anything whatever upon administrative affairs or Government regulations in general, under penalty of a breach of the police laws, by which a man was liable to be punished without defence, and not as was the case, before the law courts, where he might defend himself, and could only be judged according to law'; and in 1767 he issued another decree which made it a capital offence 'to write a book likely to excite the public mind'. The result was a flood of the most revolutionary literature such as has never been surpassed in malignant rancour or vile detraction. It is worthy of notice that all these repressive measures were justified on the plea of the supreme law of the safety of the state, and particularly in the English instances, of the safety of Governments which have been the salvation of the country, and during the most critical

periods of their establishments. So that, these instances do not fail of application to Indian circumstances for want of proper analogy. The lesson they inculcate is of universal application, *viz.*, that repression only aggravates the mischief it is intended to obviate, and strangles what it fondly hopes to sift out and preserve. If the Native Vernacular Press is licentious and scurrilous, the system of licensing will but aggravate and intensify its mischievous tendency, and annihilate nothing but honest and useful criticism. Such a consummation would take place more quickly in India than elsewhere, just because the press is here only beginning to rear its head and is only in its infancy. Moderate and respectable men, their functions not yet hardened into habits, would retire from the field without hardly a struggle. Violent and unprincipled agitators would thrive on the persecution which would furnish the very nourishment necessary for their existence. And while thus the sound and healthy political growth of the people would be indefinitely retarded, the Government would be deprived of all trustworthy sources of keeping itself well informed of the real inner feelings and thoughts of the people towards it. Deprived of free and sincere criticism, it would hardly know how to steer its way through servile adulation or scurrilous abuse. With all its generous intention and its sincere benevolence, it would one day awaken, only too late, to discover its energies misapplied, its benevolence misdirected and its intentions frustrated. To this would be added another danger of a more serious kind. If there be disloyalty and disaffection among the people to the British rule, the gagging of the press will be simply tantamount to pressing down a lid on the seething cauldron. For it must be remembered, that the measure is and can only be directed towards the promulgation of the perilous stuff, not towards the extermination of its very existence. In that case it would go on boiling and bubbling and generating more and more under the cover clapped on it, unnoticed and

unknown, till in a careless, unguarded, or preoccupied moment, the pressure may be relaxed, and all the pent-up forces may burst through, causing infinite mischief till its fury was spent or put down. Let us implore the Government of India, while there is still time, to retrieve a blunder and retract a policy fraught with such disastrous issues for the honor and success of British rule, as well as for the welfare and the highest interests of the people entrusted to its care. Let us impress upon those members of the Council who were so vehemently acrimonious in their denunciation of the licentiousness of the Vernacular Press, almost to the verge of betraying the least little soupcon of personal feeling, that we are not pleading, in the noble words of one of the greatest of Englishmen, 'for the introduction of licence, but we only oppose licensing.' Sir John Strachey has even been at the pains of ransacking the dusty archives of legal lore to point out that even in England the law does not tolerate license. That is perfectly true; but at the same time, the English precedent teaches that repression is futile, and punishment is adequate to meet the evil. But it is asserted that the present law, or even an amended law, 'would not adequately and properly meet the requirements of the case.' This is simply a speculative assertion; even the law as it exists has never been tried and found wanting.

Hitherto it has been assumed that there was ample justification for the indignant assertions about the seditious and scurrilous character of the vernacular press. It was natural to cast an anxious glance at the now famous 150 extracts. When the Viceroy went so far as even to invoke the supreme law of the safety of the state, it was natural to expect that there was an immense mass of matter of the most perilous and inflammable character.

I confess I took them up with trepidation. I put them down in bewildered surprise. There were a few selections of a somewhat gross character; but surely a vernacular press, spreading over the four quarters of

a vast continent, should have produced more plentiful and stronger indications before it could deserve a wholesale imputation of treason and disloyalty. To any one capable of understanding and entering into their spirit, it was perfectly clear that there was in them no disloyal hostility to British rule. It is only Englishmen who could misconstrue them in their unimaginative and unsympathetic social isolation from the humanity around them. It has been often reiterated how little Englishmen know of the real life of the natives, how little they are able to realize fully. Some English officers possess a vast store-house of Indian facts, *e.g.* the present Governor of Bombay. But this knowledge is like a Chinese portrait; every hard, little detail of shape, figure and dress is there; but the soul is wanting. So it is with the knowledge of Englishmen of real Indian life. Another cause has also operated to mislead the advocates of the measure in its estimate of the disloyal tone of the native press. The extracts are translations and summaries in English of things written in the Vernaculars. A great deal of the disloyalty and disaffection has been imported by this transformation. Incoherent and rabid tirades of the flimsiest character have become stiffened, by the process of substituting an English word of various and definite connotations for a vague, almost unmeaning phrase in the vernacular, into pointed and startlingly definite declamations. To a native, reading them with his natural knowledge of native modes of thought and expression, these extracts convey no treasonable, disloyal, or even extravagantly scurrilous notions. It is true, there are angry recriminations, exaggerated generalizations, pompous historical allusions, petulant expressions of offended vanity or disappointed hopes; there is even a personal attack on the understanding of the Lieutenant-Governor of Bengal in the worst possible taste; but of real disaffection or disloyalty there is absolutely nothing, or at least so little that it would be ridiculous to regard it as justifying an extreme measure. And it must not be

forgotten that nations are not trained and educated in a day; they do not acquire moderation and intelligence without a large and eventful practice. The laws of human progress teach us that the native press must pass through these stages of blunders and excesses before it can arrive at the discretion of man's estate. To destroy it for this reason is to cut down the growing tree because it first puts forth fruit which is raw and bitter. Such conduct betrays only short-sighted impatience. The policy of wisdom tends it, on the contrary, carefully and gently, till the fruit has time to ripen. It must be boldly said that the gagging measure of the Government of India denotes the impatience and adopts the policy of short-sightedness.

Lord Lytton and his Councillors have, a little too grandiloquently, justified this measure by their firm determination of doing their duty to the magnificent edifice reared by English enterprise and enlightenment. It is in the name of the same duty that I think that each and every educated native from every corner of India should come forward on this occasion to point out with might and main the disastrous blunder into which the Government of India are falling; and to pray it to retrace its rash steps while there is yet time. It is a duty cast upon them by their very education, which is a trust they hold for the benefit of all their fellow-subjects; it is a duty cast upon them by their gratitude for the donors who have so generously bestowed it upon them.

March 19. PHEROZESHAH M. MEHTA.

SIR RICHARD TEMPLE AS GOVERNOR OF BOMBAY.

[*The following letter was addressed by Mr. Pherozeshah M. Mehta to the "Bombay Gazette" to protest against the movement in honour of Sir Richard Temple, on March 14, 1880.*]

Sir,—I think it is necessary to enter a strong protest against the bold attempt that has been made to represent the address voted to Sir Richard Temple as having emanated from 'the citizens of Bombay' instead of simply from his admirers. The requisition to the Sheriff only asked him to call a meeting of 'the European and native inhabitants of Bombay *desirous of publicly expressing their respectful and grateful recognition of the administration*' of Sir Richard Temple; the address passed at the meeting called in compliance with this requisition presumes to speak generally in the name of the citizens of Bombay. If the intention of the promoters of the meeting was really to convene a public meeting of the inhabitants of Bombay, it was their duty to have taken care, as it certainly would have been most easy, to express themselves without ambiguity. I venture to say that if any such intention had been openly expressed, the proposal to erect a statue to Sir Richard Temple would have encountered very strong opposition.

I know that many gentlemen attended the meeting with that object who were dissuaded from expressing their views, by the representation that the meeting was meant to be only of those who concurred in their common admiration of Sir Richard Temple's services. It would be hardly worth while to expose the true character of the address voted to Sir Richard Temple, if it would have gone the way of most farewell addresses to departing governors and were destined to be interred in the calm oblivion in to which they generally retire after leaving India. But those who know anything of electioneering tactics

in England on the eve of a general election, know well that this address, in the name of the public citizens of Bombay, will figure prominently in every Conservative paper in East Worcestershire and will be placarded in large type throughout its length and breadth. The electors of East Worcestershire need never know that it proceeded only from the admirers of their candidate, such as a man in his position could always command in India, and that it is only by clever manipulation that it is transformed into a public address. If there was any reason to suppose that this manipulation was consciously performed, the first city in India would be fairly entitled to claim the credit of having initiated, for the first time in the history of British rule, an active participation in the warfare of an English general election by successfully carrying out a device such as would gladden the heart of the sharpest electioneering agent in England. Under its shelter Sir Richard Temple can now pose before the East Worcestershire electors as a candidate whose Conservative opinions on the many important questions of Indian policy on which the two parties have now joined issue, are stamped with the approval of the unanimous public opinion of the foremost presidency in India, and cover with confusion the pretensions of the Liberal candidates to speak and fight on behalf of its voiceless population. I am afraid that a very large majority of the native gentlemen who attended the meeting to give vent to their admiration of Sir Richard Temple's great services never contemplated the prospect of their admiration being turned to such good account. Otherwise, with all their lack of public spirit and independence, I do firmly believe that they would have hesitated before placing in the hands of a candidate who has now openly pledged himself to support an Indian policy against which they have so often pronounced themselves, a weapon which he can use with such pernicious effect against those great statesmen who have been fighting their battle so nobly and so valiantly in and out of Parliament,—such

men as Bright, Gladstone, and Fawcett, whose names are cherished with affection and veneration by all thinking and intelligent natives. God knows we do little enough, or rather absolutely nothing, in the way of active co-operation with the efforts of these great defenders of Indian interests. But nothing could exceed our humiliation if we lent ourselves in utter ignorance, in apathetic indifference, in blind adulation, to thwart their generous exertions on our behalf. That such a stigma should not attach against us, it is desirable to proclaim widely and loudly that the address to Sir Richard Temple does not represent the unanimous or independent public opinion of this Presidency. I am in a position to know that a large proportion of the native public holds very different views of the title of Sir Richard Temple to a statue, and I trust that they will come forward in such ways as may be open to them to give expression to their views, so that though it is a far cry to East Worcestershire, some echo may even penetrate those distant lands.

That the meeting which voted the address was not a very representative or spontaneous or crowded gathering it will not be very easy to dispute.

A departing Governor, leaving with the prospect of high promotion, can always gather round him men who have reason to be grateful to him, or who are connected with him by personal or official ties, and men who will follow because others have gone before them. Leaving these alone, the meeting was singularly thinly attended. The Mahomedan community, in spite of the sop thrown out to them only the day before, was represented by certainly not more than three or four members, while the gentleman whom we have generally seen leading them with spirit and independence was conspicuous by his absence The Hindoo community was not much better represented, and it is worthy of note that the only one of them who took part in the day's proceedings was a gentleman unknown to fame in that way. The Parsees were certainly in stronger numbers: but they openly

avow that they are grateful to Sir Richard for the sweet words he has showered upon them. Even their numbers, however, were eked out by some very diminutive specimens of Bombay citizens, and it would not be without interest to ascertain if any of the Parsee schools had not a half holiday on the day of the meeting.

But the numbers that attended the meeting would not be very material, if the title of Sir Richard Temple to the grateful recognition of the people over whom he ruled, stood on a solid foundation. That he possesses many high and estimable personal qualities, nobody, I think, will be disposed to deny. That he possesses administrative talents of no mean order will be readily admitted by all. His untiring energy, his single-hearted devotion to work, physical and mental, his astonishing versatility, his amiable private character, are worthy of all respect. But unless we can find that these qualities and talents were devoted to noble and statesmanlike aims and were productive of good and useful work, we cannot recognise his right to rank with those great statesmen whose names are landmarks of Indian progress, and whose memories are gratefully perpetuated in marble and bronze. Do we then find any great act of statesmanship distinguishing Sir Richard Temple's administration of this Presidency? No better man could have been found than Sir Michael Westropp, who presided at the meeting, to lay his finger with unerring precision on any such act, if there was one. One might also imagine that the Chief Justice was quietly indulging in that keen and polished irony for which he is so famous, when he singled out Sir Richard's exertions to push on the native contingent to Malta, and his two expeditions to hurry on the construction of the Kandahar line as giving him high rank among the foremost Indian statesmen, and deserving to be commemorated by the erection of a statue. The Hon'ble Mr. Mowat, who has been earning for himself the reputation of an orator, and who moved the principal resolution, had absolutely nothing to say. It

was painful to observe the way in which he floundered among rhetorical platitudes and at length took refuge in discreet brevity and poetry. Mr. Latham spoke of Sir Richard's services to the cause of University education, but I am sure nobody would be so ready as himself to acknowledge on reflection that he was carried away by the impulse of the moment when he eulogized Sir Richard Temple as a second founder of the University. That Sir Richard Temple took great interest in the advancement of scientific education must be warmly recognised; but it must not be forgotten that he set about it in a way that was fraught with danger to the independent growth and development of the University. In a public lecture which years ago Sir Alexander Grant delivered in Oxford, he earnestly warned Sir Bartle Frere never to confound the Chancellor with the Governor. Sir Richard Temple never forgot that he was Governor when he presided as Chancellor. While grateful for the interest he took, Sir Richard's departure releases all true friends of the University from the anxiety that the very warmth of his interest occasioned—*viz.*, that he might transform it into a department of Government. Mr. Budruddin Tyabji, who followed Mr. Latham, went into ecstasies, because Sir R. Temple promised him the assistance of Government to found a Mahomedan school. Turning from the speeches to the Address where, if anywhere, we might expect to find his titles to glory set forth clearly if *succinctly*, our astonishment at the courage of its promoters is only destined to increase. A more wonderful document it has never been my fortune to come across. Concocted to bless, it only curses him beyond redemption. First and foremost it mentions Sir Richard's services in alleviating the severity of the Deccan famine. Surely the framer of this paragraph must have been an unconscious disciple of the bold Danton with his famous battle-cry of *l'audace, tonjours l'audace.* How did he chase away, when he penned those lines, the gaunt and hungry spectres that must have thronged round him of

the victims of the inhuman experiment of the one pound ration? How did he silence the clamours of the starving ryots from whom the full assessment—arrears and all—was mercilessly wrung out? The audacity of the address reaches, however, its culminating point when, pretending to enumerate the important works urged to completion, during the last few years, it cleverly conveys to the minds of the East Worcestershire electors the idea that their candidate had something considerable to do with them, and deserved nearly the greater portion of the credit attaching in respect of them, by assuring them with the most innocent earnestness that he was present when they were opened! The framers of the address must have been hard pressed indeed, for material, when they were reduced to eulogize Sir Richard because he opened the Prince's Dock, the University Tower and Library, and the Tulsi Water-works when not a tittle of the credit in respect of them can in the remotest degree be claimed for him. Nor does he deserve any acknowledgment for fostering free municipal government in this city, for the Bombay Municipal Corporation came into existence long before his time and has preserved its independence in spite of his attempts at dictation. After mentioning his services to the cause of education to which we have already referred, and relating the stories of the inevitable Malta and Kandahar raids, the Address abruptly comes to an end. All the energy and enthusiasm of his admirers are, we thus find, quite impotent to point to one single act of high statesmanship which can be fitly commemorated by the erection of a statue. But while the reasons for doing him such honour utterly fail, we have, on the other hand, a heavy bill of indictment against him for high crimes and misdemeanours committed by him during the short period that he ruled over this Presidency. Never had an Indian statesman more brilliant opportunities for distinguishing himself in the ranks of those illustrious men who firmly and fearlessly trod in 'that path of wisdom,' of national prosperity and of national

honour' so eloquently yet so sagaciously depicted by Lord Macaulay. He could have covered himself with glory by exposing the short-sighted weakness and impolicy of the Vernacular Press Act. But he gave it his 'loyal support', as it has become the fashion euphoniously to describe servile obedience. He could have assisted in a statesmanlike solution of the question of the admission of natives into the Civil Service. But he heartily co-operated in bringing about the most disastrous solution of it that could be imagined. He could have protested against the iniquitous repeal of the cotton import duties and the imposition of an unequal Licence-tax. But he refused even to let the public indignation against these measures find voice in its own Town Hall. He could have fostered the public spirit and independence for which this Presidency had acquired a name. But he tried to control it in its municipal organization, he annihilated it in its Legislative Council. But the gravest charge still remains behind. He found this a free and independent Presidency; he leaves it a servile appendage of the Government of India. To crown all, he now offers himself for election to Parliament as an admirer of that short-sighted and disastrous Imperial policy which gave birth to all these measures, to which may be added that most unwise, if not unjust, Afghan War. It is prophesied that Sir Richard Temple may return to India as Viceroy. Unless the bracing English climate leads him to juster and truer views of Indian policy, it will be an evil day for this country that sees Lord Lytton followed up by Sir Richard Temple.

March 14. PHEROZESHAH M. MEHTA.

SPEECH ON THE PROPOSED EXTENSION OF LORD RIPON'S VICEROYALTY.

[*A public meeting of the Indian citizens of Bombay was held on Saturday, 17th February, 1883, under the auspices of the Bombay Branch of the East India Association to memorialise Her Majesty the Queen-Empress for an extension of the period of office of the Most Noble the Marquis of Ripon, Governor-General and Viceroy of India. Mr. Dinshaw Manockji Petit presided. Mr. Pherozeshah M. Mehta proposed that the following memorial* be adopted and that the Chairman be requested to sign it on behalf of the meeting. In doing so he spoke as follows.*]

The task of proposing the adoption of this memorial is entrusted to my hands; and in doing so I could perhaps have wished that it had been in point of language ā more polished or a more classical production. But I think you will agree with me that the language, if rugged and uneven, is powerful, and if there are some rather precipitate turns, the writer seems only overpowered by the earnest enthusiasm with which he has contemplated the grounds and object of this memorial. The prayer of the memorial is founded, gentlemen, upon two circumstances: 1st, the inauguration by Lord Ripon's Government of the various measures you have already heard enumerated; and 2nd, the desirability of having the same hands to protect them during their future progress and development as those which have launched them. With regard to the first circumstance you have already heard the

*To Her most Gracious Majesty Victoria, Queen of the United Kingdom of Great Britain and Ireland and Empress of India.

May it please your most Gracious Majesty—We, your Imperial Majesty's devoted subjects, the inhabitants of Bombay, in public meeting assembled, at the invitation of the Bombay Branch of the East India Association, approach your Gracious Majesty's throne with feelings of deep loyalty and affection with the following prayer:—His Excellency the Most Noble the Marquis of Ripon, Viceroy and Governor-General of India, has already inaugurated a number of great and good measures calculated to promote the happiness, prosperity and elevation of your Imperial Majesty's Indian subjects. It is enough for us here simply to enumerate some of the more important ones among them. That of Local self-Government is by far the most important. The progress and ultimate success of this great measure crowned by further concessions we expect of the Legis

various measures eloquently described and eulogized by the able and accomplished speakers who have preceded me, particularly by my hon. friend Mr. B. Tyebji. All that I was going myself to say in this matter was to quote from Lord Hartington's recent Lancashire speech. But as is not uncommonly the fate of subsequent speakers, I have been forestalled by my friend Mr. Javerilal. (Laughter.) I will therefore content myself by saying that the measures of Lord Ripon's Government bear ample testimony to the energy, the experience, and the sympathy which Lord Hartington so justly and truly recognizes and appreciates in him. (Cheers.) But admitting the value and importance of these measures as good work done well and truly, it may still be asked why it is necessary that we should seek for a departure from the regular fixed periods of Viceroyalty and not trust to his successors to preserve and continue his work. They would be just as much responsible for the success of these measures as for the general good government of the country which would be entrusted to their charge.

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lative Councils being made truly representative and of an adequate employment of native agency in the whole administration and Government of India will be the highest and noblest boon with which Britain can and will bless this great Empire earning its ever-lasting gratitude. Besides this noble scheme of Local self-Government there are others proposed by his Excellency the Viceroy in Council to develop the resources and industries of the country, to grant free, open and adequate expression to public opinion in the consideration of legislative enactments, to ameliorate the present deplorable condition of the vast mass of our agricultural population by mild and suitable systems of assessments and agricultural banks, to promote popular education, &c. &c. All these beneficent measures for the very inauguration of which we are deeply grateful and others of the same character which we hope for in the near future, require that the same benign and righteous representative of your Imperial Majesty who has launched them, may have the time and opportunity also to watch, nurse, and develop them to complete practical success. We, your most Gracious Majesty's devoted and loyal subjects, therefore, at this earliest opportunity pray humbly and earnestly that when the present term of the Viceroyalty of Lord Ripon expires, his Lordship may be graciously appointed again by your Imperial Majesty for another term of Viceroyalty of this country. And as in duty bound, we shall ever pray.

There is more than one general answer to this question. In the first place it is always eminently desirable that the same mind which conceived a great measure should be secured to carry it to completion. (Hear, hear.) In the second place, though up to very recent times we were disposed to place implicit confidence in the choice of Viceroys, that is no longer the case now. Lord Lytton has given us a fright which it is not yet easy to get over. His Viceregal pranks have completely dispelled the illusion that a Viceroy, whoever he be, must be a great and good and large-minded man. These two reasons, gentlemen, are still merely general. There is a third reason, however, which has reference to the particular measures of Lord Ripon's Government and is, as it seems to me, imperatively conclusive for asking for a renewal of his period of office. Of all the measures of Lord Ripon's Government the most important confessedly is that of local self-government. (Cheers.) Now, gentlemen, the inauguration of his policy in that respect involves two most important admissions. These admissions, however disguised in courteous circumlocution, are full well understood and are more or less resented and scouted by the whole executive Anglo-Indian Civil Service. The first of these admissions is that the Anglo-Indian bureaucracy, able and cultured and civilized above their surroundings, are unequal in the long run to the task of paternally administering the affairs of a people of whose real inner life they have managed to remain profoundly ignorant. They themselves, it is true, are of a contrary opinion. The famous resolution of the Bombay Government in this matter coolly assumes that the Anglo-Indian executive has performed wonders in the way of excellent and efficient local administration. This eulogium is well entitled to all the weight which a certificate given by a person to himself usually carries. It is certainly not to be denied that roads and bridges and dispensaries and schools and chowkies have been built all over the country. It is not to be denied that the revenue has been strictly

settled and strictly levied. But has it ever been closely inquired into as to how excessive has been the expenditure of resources on these improvements (cheers), whether the same resources could not have been better and more profitably employed, whether gross blunders might not have been avoided by a better knowledge of real wants? It is almost sacrelegious to say so, but I believe it would not be impossible to cite instances of sage collectors committing blunders as bad as, if not worse than, those which might be expected from the most ignorant municipal board. (Hear, hear.) In making these remarks I do not intend in any way to speak depreciatingly of the general average of ability that cannot fail to distinguish such a Civil Service as that of India. But I would say of them what Mr. Bright once said about the Board of Directors of the East India Company when he urged their reform. 'He had not the least idea (he said) in any observations made by him of bringing a charge against the East India Company, that is to say against any individual Member of the Board of Directors as if they were anxious to misgovern India. He never had any such suspicions. He believed that the twenty-four gentlemen who constituted the Board of Directors would act just about as well as any other twenty-four persons elected by the same process acting under the same influences, and surrounded by the same difficulties.' All that I mean to say is that no bureaucracy could in the long run be equal to the task of executive administration, and where there is no intimate mutual knowledge between the rulers and the ruled, the task is simply impossible after a time. (Cheers.) The second admission is that it is politically expedient that the people of India should be asked to co-operate in the work of administering their own affairs and that the thin end of the wedge must be driven into that pleasant vision of a perpetual paternal government with our Civil Service autocrats acting the wise, honoured and exalted fathers. (Laughter.) This point is admirably though incidentally put in the excellent

preface which introduces the *Voice of India* in Indian journalism under the superintending care of a gentleman who has always been ready to spend his time, money and energy for the welfare of our country. I mean my respected friend Mr. Dadabhai Naoroji. (Applause.) After alluding to 'certain idols which Bacon forgot to include in his classification,—the idols of the official mind which are nowhere so vigorous as in India,' the writer whom I have no doubt you recognize, goes on to say, 'The belief that internal tranquillity or material prosperity or administrative success will make up for the loss of other things which energetic minds value is one which has a firm hold of the merely official mind and sometimes offers an impenetrable barrier to the influx of new light.' Lord Ripon's scheme knocks this idea on the head and reminds the bureaucrats that to educate the people of India for self-government is the true path, in the oft-quoted but none the less true words of Lord Macaulay, 'of national wisdom, national prosperity and national honour.' (Cheers.) Now, gentlemen, both these admissions which underlie Lord Ripon's scheme of local self-government are not unnaturally, I admit, totally repugnant to the present administrators of India. They alternately frown or smile contemptuously at people who ignorantly imagine that any combination or organisation of the inferior natives of the country could possibly come up to, much less excel, their trained and cultured capacities for administration. They are benevolently sceptical as to whether these same natives could be better off than by relying on such wise and well-intentioned paternal rulers as themselves. Lord Ripon's scheme, therefore, though planted in a congenial soil depends for being nursed and otherwise taken care of on subordinate *mallees* who are thoroughly intolerant of these new-fangled fashions. (Cheers.) What would be its fate then if Lord Ripon withdraws his superintending care before the plant is more than a year or two old and has scarcely reared its head above the ground? (Cheers.) How would it fare at

the hands of a new successor even if that successor was at first friendly inclined? We will be best able to realize that successor's position by realizing what Lord Ripon's own position has been in introducing his scheme. Many of you perhaps are acquainted with that beautiful allegory contained in that noble English classic, Bunyan's *Pilgrim's Progress*. You remember, gentlemen, how Christian sets out on his errand and how he is assailed and tempted by all the sophisms of selfishness, prejudice and vainglory. We may well compare Lord Ripon to the hero of that allegory. There have been worldly-wise men after him who have tried to pass off their selfishness and narrow-mindedness by calling them practical common-sense. There have been jingoes after him shouting martial hymns about 'the magnificent pride of English birth.' There have been homœopaths (like the excellent members of our own Bombay Government) who have solemnly warned him that the Indian patient can bear none but the most infinitesimally minute doses. (Laughter and applause.) But, gentlemen, Lord Ripon, like the true Christian hero that he is, has held on his way firmly and valiantly and resolutely pushes on towards the straight gate which is his goal. It is said in one of the Gospels, 'strive to enter in at the straight gate, for straight is the gate and narrow is the way that leadeth into life and few there be that find it.' Gentlemen, it is not given to everybody to emulate such heroism. We cannot easily expect to secure another such Lord Ripon. These qualities which have enabled him to prove himself so consummate a statesman are not common. Almost alone I believe among the English statesmen of our age, one man has been distinguished for his firm moral and intellectual grasp of the great principles of right and justice, unaffected by the most plausible sophistries of interest or pride, Mr. Bright. (Cheers.) It seems to me Lord Ripon shares to a considerable extent this trait of Mr. Bright's political character. This it is which has enabled him to inaugurate the memorable work for which we are

all so grateful to him. (Cheers.) But this great trait is rare and therefore it is that it is imperatively necessary to ask for a renewal of his period of office. And, gentlemen, it seems to me that we can approach the throne of Her Majesty with peculiar propriety for the favour we ask. For Lord Ripon fulfils in him that fervent prophecy which the Poet Laureate has addressed to Her Majesty in his touching dedication of his poems :—

> And Statesmen at her Council met
> Who knew the seasons, when to take
> Occasion by the hand and make
> The bounds of Freedom wider yet,
> By shaping some August decree
> Which left her throne unshaken still,
> Broad-based upon her people's will.

(Cheers.) Such a statesman has Her Majesty in Lord Ripon and such an august decree is his scheme of local self-government. (Renewed cheers.) Let us wish him God-speed in the nobler career of statesmanship on which he has valiantly entered and in which he has already advanced so far. Ignorance and prejudice may prate about the ingratitude or disloyalty of the people of this country. When he retires, I don't know if Lord Ripon's deeds will be commemorated in brass or marble, but this we can say for a certainty that the name of Ripon Saheb will be handed from generation to generation, his memory embalmed in their tender reverence, his epitaph engraved on their grateful hearts. (Cheers.) Before I sit down I am reminded by my friend, Mr. B. Tyebji, to refer to a point on which he as well as I had considerable misgivings, *viz.*, whether it is not premature to ask for a renewal when Lord Ripon's tenure of the Viceroyalty has hardly been three years old. I confess, gentlemen, this point has exercised my mind very much. But when we remember what time it takes to move the political forces in England to make up their mind in a matter of this sort, how early sometimes these arrangements are made beforehand in political circles, how many considerations have to be taken into account, how

many obstacles to overcome, perhaps it is well to err on the safe side, to take time by the forelock, in a matter which is of such vital importance to us. There is another point also, gentlemen, we must bear in mind. It is all very well for us to ask for a renewal of Lord Ripon's term of office, but we must not forget what he himself may have to say in the matter,—whether he will consent to tie himself to another term of arduous and harassing work of no common order, for the Viceroyalty to an energetic and a conscientious man is no bed of roses. We will hope, however, that that generous sympathy, which as Lord Hartington has pointed out, Lord Ripon has for the legitimate aspirations and wants of this country, will persuade him not to leave it till his great work is fairly matured. (Loud cheers.)

SPEECH ON THE ILBERT BILL.

[*At a public meeting held in the Town Hall, Bombay, on the 28th April, 1883, for the purpose of considering the Ilbert Bill, Sir Jamsetjee Jeejeebhoy presided, and the Hon'ble Mr. Budruddin Tyabji moved the following resolution:—'That in the opinion of this meeting the Bill to amend the Code of Criminal Procedure is necessary for the just and impartial administration of justice and is in consonance with the righteous policy which the British Government has followed in the administration of this country.' Mr. Pherozeshah M. Mehta, who was received with loud and prolonged cheers, seconded the resolution in the following speech.*]

Mr. Chairman and Gentlemen,—In rising to second the resolution which has been just moved by my honourable friend Mr. B. Tyabji, in a speech which you will agree with me in admiring as equally remarkable for its ability and eloquence as for the studied and dignified moderation of its tone (cheers), I confess that I undertake the task which has been assigned to me with some degree of trepidation. Within the last few days we have been generously inundated with advice to preserve the utmost judicial calmness and moderation without the slightest admixture of even judicial severity, not to allow an angry word or syllable to escape us, while we are also to put forth our case with force and vigour. Now, gentlemen, this advice is more easy to preach than to practise, and though I have resolved to use my best endeavours to achieve this golden mean, I cannot quite escape a feeling of some nervousness as to the success of this rather difficult experiment. But gentlemen, I have one consolation that, in whatever I may say I will be guided by two sentiments of which I am firmly and sincerely conscious and which will never permit me to say anything which will be needlessly offensive or malicious. (Hear, hear.) If I entertain one political conviction more strongly than another, it is that this country in falling under British rule, has fallen into the hands of a nation than which no other is better qualified to govern

her wisely and well. Look among all the leading nations of the world, and you will not find one who, both by her faults and by her virtues, is so well adapted to steer her safe on the path of true progress and prosperity. It is true that the English are a stubborn piece of humanity who might well be asked sometimes to take to heart the exhortation addressed once to the chosen people of God, "Circumcise, therefore, the foreskin of your heart and be no more stiff-necked", but it must be acknowledged at the same time, that it is perhaps this very trait which has preserved this country from rash and extreme experiments, and has put it on a path of sure, though slow, development. (Cheers.) Secondly, in setting up as a critic of Englishmen in India, I fully recognize that I do not set up any claim of superiority. I do not set up as a superior person who could have done better under similar circumstances. On the contrary, gentlemen, I believe most of the natives who have devoted any thought to this subject, are ready to recognize that if they were placed in the position of the dominant race, God knows how they might have strutted before high Heaven and performed antics which might make angels weep. At the same time, gentlemen, I feel confident that Englishmen will frankly admit that this circumstance gives them no immunity from criticism, nor gives them any right to be impatient if they are judged by the principles they themselves have introduced and taught as the principles on which their work in this country must be finally judged. (Cheers.) The nervousness which I have admitted is therefore allayed by the consciousness, that even if I err, I will not set down aught in malice. My fear and trembling however are not quite at an end, and that is in consequence of the attitude which our European friends have taken up in regard to the public expression of native opinion on this Jurisdiction Bill which we are met here to consider to-day. That attitude is not unlike that of the amiable Scotchman described by Charles Lamb, who pitched into you for your presumption

if you ventured to go in for praise of his great national poet and performed the same operation on you for your ignorance if you dared to find fault with him. (Laughter.) Much in the same humour our European friends are disposed to rebuke us for our obstreperousness if we make bold to express our opinion of this Bill in public meeting assembled, and are just as ready to take advantage of us on the score of our indifference if we sit quiet without blowing the feeblest counterblast to the incessant sounding of trumpets and clashing of cymbals which is kept up even until now all over the country to fright away this poor little Bill. This attitude may lay claim, I admit, to some amount of rather grim humour, but I trust our European friends will not be very hard upon us if we refuse to be tossed about in this manner on the two horns of such a dilemma as they present to us, and prudently hold fast by the one which does us least injury. But as soon as we decide, gentlemen, after anxious consideration, to hold a public meeting, another mine is sprung upon us. We are told that we have no concern with this Bill at all, that it is only a little matter between Lord Ripon and the Europeans in India, in which the parties have got rather hot with each other, that in fact we have no *locus standi* at all to take part in the argument. Now, gentlemen, of all the cool and astonishing things which have been said in the controversy on this Bill (and they are not few), it seems to me that this is about the most cool and astonishing (laughter), for nothing can be clearer than that the natives have the most immediate and vital concern in the subject-matter of this Bill. I do not refer here to the handful of native civilians who might get extended jurisdiction under it. I do not speak here of the educated English-speaking natives who might be supposed to sympathise with native civilians. But I speak of the masses of the native population, and I say that they are as directly and strongly interested in this Bill as any European British-born subject. As sure as there are two parties

to an offence, the offending party and the suffering party, both the one as well as the other are interested in the trial in which they are respectively to appear as complainant and accused. Either may suffer by a miscarriage of justice. As courts of criminal law are constituted in the mofussil, the interest of the natives is still more close and vital. If a European commits an offence against a native, the latter has seriously to consider whether it would be worth his while to bring the offender to justice, remembering that he and his witnesses may have to bear no inconsiderable loss of time and trouble and expense in hunting after a qualified magistrate. (Applause.) Has it ever been inquired into, in the course of this controversy, how many offences committed by Europeans have never been brought to the cognizance of courts of justice in consequence of the difficulties thus created by this 'dear and cherished privilege of being tried by their peers'? (Cheers.) I can tell you, gentlemen, that the popular impression in the mofussil about this valuable privilege is that it is simply an immunity practically enjoyed by Europeans from the consequences of a large class of offences committed by them against natives. (Loud cheers.) Only the other day I happened to be at Surat and had a conversation about this Bill, not with educated natives, but with true unsophisticated children of the soil, from the other side of the Taptee. I will relate to you, gentlemen, the conversation I had with these natives utterly unspoilt by a knowledge of English, particularly as it is advanced by the opponents of the Bill that the agitation in favour of it is created only by the educated natives in which the masses take no interest whatsoever. They, the people I speak of, asked me if we in Bombay were not going to stir in the matter and support the Bill, as they said that the privilege at present enjoyed by Europeans meant simply in a large number of cases immunity from prosecution altogether, as the trouble and the expense of a trial before a competent magistrate were very great, and

further, as they had a very poor chance in the case of ordinary offences before a European magistrate when the offender was a European. And they gave me an instance within their own knowledge of a European (a man not highly placed be it fairly admitted) who went about bragging in their part of the country that he could ill-treat natives as he liked as no native magistrate could try him and no European magistrate would believe any d—d lot of native witnesses. (Laughter.) The word 'd—d' is a free translation of my own of the vernacular word used in the conversation. Gentlemen, I do not offer this European as a representative European, or this story, either, as a representative story. It is unfortunately too much the fashion both with natives and Europeans to moralise on isolated instances as if they were always typical ones. But I think this story very forcibly illustrates both the interest which the natives have in the subject-matter of this bill and the interest which they take in the controversy and agitation about it. (Applause.) A *locus standi*, gentlemen, we most assuredly have in this controversy; if European British subjects hold that of the accused we have the *locus standi* of the complainants. Now, gentlemen, I don't propose to take up your time by entering into a discussion of the merits of this Bill after the able and exhaustive treatment of it by Mr. Tyabji. But all his arguments rest upon one assumption, his inferences follow logically and irresistibly, if there is no question about this assumption. Mr. Tyabji was perfectly justified in arguing upon the basis of this assumption, for it is founded upon the declared policy of the Crown with regard to the Government of this country. But in the progress of this controversy the opponents of the Bill have perceived that their arguments cannot be maintained till they attacked the wisdom of this policy. So now they deliberately urge that this Bill is in itself a matter of little moment, but their fears are aroused as it indicates the shifting of the foundations of British power in India.

Denouncing the wisdom of the declared policy of the Crown, or urging that its declarations in that respect were not meant to be practically acted upon, they boldly say that India has been conquered by force and must be governed by force. In preaching this gospel of might with regard to the government of this country, they have found a devoted supporter in England in Sir Fitzjames Stephen and a somewhat doubtful one in Lord Salisbury. They ridicule the policy of righteousness as one of weak sentiment and seem almost to adopt, with scarcely disguised approval, the vigorous summary of their position given recently by Mr. Bright (loud cheers) in his own peculiarly happy manner, that having won India by breaking all the Ten Commandments, it is too late now to think of maintaining it on the principles of the Sermon on the Mount. (Cheers.) Our European friends will pardon me if I say that a good many of them have a sneaking, when they have not a pronounced, partiality for this proposition while they consider that the platitudes about England's duty to India, and the other quotations from Lord Macaulay and others about a 'policy of national wisdom, national prosperity, and national honour' have no business to intrude in practical politics but are only good enough to be spouted by native orators on public occasions. For many years the policy of governing India on principles of justice and equality for all the Queen's subjects of whatever caste and creed has never been so openly and so furiously called in question as now. It therefore seems to me, gentlemen, that this is a time, when, without overstepping the limits of our loyalty or our gratitude, we may properly and justifiably examine the propositions which have been thus advanced, and try to show that the declared policy of the Crown was adopted after long and careful consideration not on grounds of weak sentiment, that it was adopted not simply because it was a policy dictated by honour and justice (which we cheerfully and gratefully acknowledge that it is), but also because it was a policy dictated by the true interest of

England herself, because in no other way could England hope to preserve her great dependency with the greatest amount of safety and profit to herself. In the first place, gentlemen, it is said that India was won by the sword. Now I say that Englishmen don't do justice to themselves when they read Indian history in this way, though it cannot be denied that there are many pages in this history blotted by error and crime. England has won India not simply by the sword, but in a large measure by the exercise of high moral and intellectual qualities which have not only guided its victories, but have always been on the alert to neutralise its baneful influences. (Cheers.) But, gentlemen, however India was won, can it be maintained with safety and profit by the sword only? This is too large a question to be treated fully in a public meeting like this, but I will lay before you three considerations which I think show that it is impossible. First, India maintained by England by the power of her armies would be a heavy burden on her in case of her being involved in European complications. It is utterly improbable that England can always escape being dragged into the contests, rivalries and ambitions of the other European powers. What with France with her desire to extend her colonial empire, with Italy anxious for the African coast right against her, with Russia intent upon extending and consolidating her power in Asia, with the other powers jealously watching these,—however great and powerful England may be, the strain of such entanglements cannot but tell upon her, and one day she may find herself in a predicament in which India may simply hang as a mill-stone round her neck. (Loud applause.) We must not forget the contingency of the American powers appearing on the scene and complicating matters dreadfully. Ireland is another thorn in the side of England, and what a lesson she teaches as to how hard and difficult it is to undo the mistakes of a policy of force, centuries after they were committed! How nobly has England been struggling to redeem the conse-

quences of such a policy and yet how slowly she succeeds in undoing the mischief of the past! But secondly, there is another Nemesis attending a policy of force. That policy would require day by day larger English armies and larger English Civil Services. In progress of time large numbers of Englishmen trained in the maxims of despotism and saturated with autocratic predelictions, would return to their native home, where they could not but look with intolerance on free and constitutional forms. This is no visionary speculation. Careful English observers have already noticed traces of such a tendency. In the course of a few generations, such a tendency, if not checked, would develope into a mighty influence and the free and constitutional government of England which has been so long the pride of the world would be placed in the deadliest jeopardy. (Cheers.) Rome was once proud of her sturdy freedom and her republicanism; she lost both in the extension of her despotic empire. She has left, however, a valuable lesson and it has been well and truly said that for the sake of all that she values most, her own freedom and civilization, England must raise India to her own level or India will drag her down to hers. (Loud cheers.) The third consideration on this point I have to lay before you relates to the benefit to be derived from the commercial intercourse between the two countries. With a policy of force, as I have said before, the resources of India would be drained in the first instance in maintaining large costly armies and huge services; the country would be thus too much impoverished to admit of her developing the great material resources which nature has showered on her. In India, impoverished and emasculated, the English merchant would only be an emaciated attendant in the rear of the English soldier and the English Civilian, and English commercial enterprise, more glorious even than her military enterprise, would find no congenial field. I have thus, gentlemen, very hastily and very imperfectly sketched the consequences to England herself

of a policy of force. Now look at the other picture. With India educated, civilized, contented and loyal, what a help she would be to England in her time of need, what a field for commercial enterprise, what reciprocal benefits from inter-communion in every way. (Loud cheers.) How great England is even now, with her Indian possessions governed on the present declared policy of the Crown? She would wax greater and greater with every legitimate development of that policy. I say, therefore, gentlemen, that of the two policies on which India could be governed, England has chosen that which will secure her own best interests with those of India herself. When in the inscrutable dispensations of Providence, India was assigned to the care of England, one can almost imagine that the choice was offered to her as to Israel of old: 'Behold, I have set before you this day a blessing and a curse: a blessing if ye will obey the commandments of the Lord your God which I have commanded this day; a curse if ye will not obey the commandments of the Lord your God, but turn aside out of the way which I have commanded this day, to go after other gods which ye have not known.' England has chosen wisely and well, she has discarded the temptations held forth by the passions of selfishness, prejudice and vainglory, she has chosen to follow 'the Eternal that maketh for righteousness.' She has deliberately declared by the mouths of her greatest and most trusted statesmen, she has proclaimed it through the lips of Her Gracious Majesty herself (cheers), that India is to be governed on the principles of justice, equality and righteousness without distinctions of colour, caste or creed. (Loud cheers.) Our English friends, therefore, gentlemen, must make up their minds to discuss this Bill on the basis of this declared policy of the Crown. (Cheers.) On that basis I say, the case for passing the Bill is simply irresistible as my friend Mr. Tyabji has shown. I will only refer to one argument which may be shortly described as the 'anomaly' argument. Now, gentlemen, this word 'anomaly' has a good

deal to complain of as to the treatment it has received at the hands of the opponents of this Bill. Never has any word in the English language before been so cruelly maltreated. But it must sit quiet under its injuries at present, as till the Bill is passed it cannot secure conviction before a European magistrate. This anomaly argument however is perfect if it is properly regarded. It derives its force from actual fact and experience. However anomalous the position of Englishmen in India, still, it can be made, and has been made, the basis of a righteous policy. In the prosecution of that policy, native magistrates have already exercised jurisdiction over Europeans, with the most satisfactory success in the Presidency towns. Race feeling and native perjury have not been able to mar the experiment. But it is said that that is because of the existence of a public opinion in the Presidency towns which does not exist in the mofussil. But this plausible argument yields to a close examination. The argument admits that public opinion is sufficient to countervail the dreaded consequences of race prejudice and false swearing. Let us see then if in the mofussil, there is not a force which can operate in the same way. I say that there is, and a stronger one than public opinion, that of the official opinion of the European district officers, which would work on the native magistrate more directly, more expeditiously, and more closely as all his interests and predilections and associations would closely connect him and make him dependent on them. (Applause.) I say, gentlemen, this argument takes the whole question from the domain of speculation and brings it within that of observed fact and experience which establish that native magistrates can be safely trusted with jurisdiction over Europeans. Before concluding, however, I am desirous of saying a word about the storm of passion and prejudice which, commencing in the Calcutta Town Hall, has so spread over the whole land. Some of my native friends are disposed to be very hard upon these angry and excited

people. I, for one, gentlemen, however, am inclined to make great allowances for, nay, almost to treat with tenderness this sudden ebullition of anger and fury, when I realize the real character of it. Gentlemen, all men have their nobler and baser instincts struggling within them, and you will find that even in the most well-disciplined organizations, in the most well-balanced minds, after the nobler instincts have well established their sway, a moment comes when the smallest rift upsets the work of years, casts everything into confusion, and generates a whirlwind at which those who knew the men before as good and worthy stand aghast. (Cheers.) So it seems it has been the case with Europeans in India. But this abnormal ebullition lasts only for a short time and I am sure, gentlemen, that soon after this Bill is passed, as passed it will be, Englishmen will themselves smile at the wonderful things they have said and done about this Bill. At present, dire prophecies are proclaimed as to the ill-feeling which has been created between natives and Europeans by the introduction of this Bill which is to leave effects for ever so long. Gentlemen, I will, with your permission, indulge in a truer vein of prophecy. The newspapers have recently informed us that Mr. Branson has left for England. Most probably he will return a short time after this Bill is passed and there has been time for angry feelings and prejudices to cool down. I can then picture to myself Mr. Branson and Mr. Lalmohun Ghose as soon as they meet in Calcutta, rushing into each other's arms—(loud laughter) —singing the song,

As through the land at eve we went,
And plucked the ripened ears,
We fell out, my wife and I,
O, We fell out, I know not why,
And kissed again with tears.
And blessing on the falling out,
Which all the more endears,
When we fall out with those we love,
And kiss again with tears.

(Loud cheers and laughter.) In presenting this touching tableau I say, gentlemen, that this Bill, which Lord Ripon has introduced in the honest and well-considered prosecution of his far-sighted and righteous administration, holds forth hopeful promises of improved relations between the natives and Europeans in this country. (Loud and prolonged cheers.)

SPEECH ON SIR EVELYN BARING (EARL CROMER.)

[*At a public meeting of the European and Indian citizens of Bombay held at the Framjee Cowasjee Institute, on the 27th August, 1883, for the purpose of adopting an address to Sir Evelyn Baring expressing their appreciation of his services to the country while he occupied the post of Finance Minister, with the Hon'ble Rao Saheb V. N. Mandlik, C.S.I., in the chair, Mr. Pherozeshah M. Mehta made the following speech in moving the adoption of the address which was read to the meeting by Mr. Javerilal U. Yajnik.*]

Mr. Chairman and Gentlemen,—I beg to move the adoption of the address which has been just read to you. You have already heard Mr. Mowat expatiating in an able and exhaustive speech on the financial and economical aspects of Major Baring's administration. You have also heard my hon. friend, Mr. Budruddin Tyabji, who like the coy maiden that 'yielding not, yieldeth,' after repeatedly saying that he was not going into details, went into a discussion one by one of most of the measures of the same period. (Laughter and cheers.) Then we have had only the preliminary, but rather elaborate, remiarks of Mr. Javerilal. So that, gentlemen, nothing really is left for me to say, and I think it best to confine myself to a few general remarks. I happened the other day, gentlemen, to glance through the historical chapters of a well-known guide to Bombay which would be excellent, were it less disfigured here and there by the strong prejudices of the writer, a gentleman well-known to us in Bombay. I will read to you, gentlemen, a passage I found in it. 'It should never be forgotten,' says the writer, 'that the conquest of India is really the fruit of the incomparable fighting qualities of the British soldier. After all is said about statesmanship and culture, it remains true, as Bulwer Lytton put it, that 10,000 English soldiers, not one of whom perhaps could repeat a line from any English author, might over-turn the empire of China to-day as easily as they overturned the

empires of Mogul and Mahratta.' Without entering into the question of how far this historical estimate requires to be modified by a true reading of Indian history, I venture to say that if British soldiers helped to conquer the British empire in India, it could never have been founded and consolidated into the great and stable empire it now is without the incessant exercise of that statesmanship and culture which the writer sneeringly holds in such slight account. The history of British India will no doubt reserve to the great military heroes who fought its battles a page of glory all their own, but a still more brilliant page will have to be accorded to that long list of noble and far-seeing statesmen and administrators, which, headed in our own presidency by the venerable name of Mountstuart Elphinstone (cheers), has received within the last three years two most illustrious additions. (Loud cheers.) It is only a short time ago, gentlemen, that we met in this hall to do homage to one, in whom the people of India love more and more, with pardonable, if exaggerated, enthusiasm, to trace the lineaments of a new Buddha, stainless and spotless, true and tender, come to life again for the welfare of India—

Lord Buddha, Lord Ripon styled on earth.

And to-day, gentlemen, we are met again to record our grateful appreciation of the useful and untiring labours and cordial co-operation of his great lieutenant Major Baring. (Cheers.) There are people who are struck most powerfully by the material strength of England, and measure its greatness thereby. I for one see more cause of wonder and admiration at its being able to produce such men as Lord Ripon and Major Baring. (Cheers.) It is impossible not to be amazed at the rare combination of intellectual grasp and wide moral sympathies which have enabled them to seize the essential conditions of unfamiliar Indian problems with a wonderful quickness of perception and sagacity of insight. This is all the more remarkable when we observe how the average Anglo-Indian civilian, after his long residence

in the country, falls short in this respect. You must have all read, gentlemen, in this morning's papers the vigorous vindication of our civil administrators made by H. E. the Governor. It is certainly most honourable to him to speak out in defence of his officers, and we may go farther and acknowledge that the zeal, ability, and energy of the Anglo-Indian civilians are unquestionable. But the fact still remains that it is seldom that they are able to dive into the Indian mind and heart, and approach Indian problems from the right point of view. Still more rarely is it that they allow their moral sympathies to have full play. And therefore it is that we are grateful to men like Major Baring who bring to their Indian work a trained and cultured intellect, guided and controlled by a generous and sympathetic heart. I do not know, gentlemen, if many of you are familar with Charles Dickens' humorous delineation of the poor man's friend and father in the guise of Sir Joseph Bowley, who 'does his duty as the poor man's friend and father, and endeavours to educate his mind by inculcating on all occasions the one great moral lesson which that class requires. That is, entire dependence on himself, *viz.*, Sir Joseph. (Laughter.) They have no business whatever with—with themselves.' (Renewed laughter.) We have become familiar, gentlemen, with many such friends and fathers of the people of India, particularly in the course of some recent discussions. Lord Ripon and Major Baring are friends of the people of India of a different type, who wish to teach them dependence on themselves. (*Loud cheers.*) The day will soon come, gentlemen, when the Ripon-Baring scheme of local self-government will be more ungrudgingly recognized as a measure of true statesmanship. And here I may be permitted to say that it is a matter of great congratulation to us of this Presidency that that scheme has secured a kindly reception at the hands of the European mercantile community of Bombay (loud cheers), who, ever since the day of James Forbes, have always maintained excellent relations with

the natives among whom they have lived and worked. It is a matter of deep regret that the exigencies of the public service deprive us so soon of a minister like Major Baring, but we shall have this consolation that not only his good work will remain after him, but he will have left footprints on the good government of India which future ministers, 'seeing, may take heart again.' (Cheers.) With these remarks I beg, gentlemen, to move the adoption of the address just read to you. (Cheers.)

THE CONCORDAT.

[*The following letter on the Ilbert Bill was addressed by Mr. Pherozeshah M. Mehta to the "Bombay Gazette," and printed in its issue of the 11th January 1884.*]

Sir,—There is a certain class of English people who are well-known to have a penchant for christening their children with high-sounding and aristocratic names, when they are weakly ashamed of rather insignificant surnames. The exploit of the Defence Association in dubbing their understanding with the Government of India about the Ilbert Bill with the sonorous title of a 'Concordat' may be taken as the most recent illustration of this innocent, though somewhat amusing propensity. Whether the Concordat, to call it by its coveted name, be a grievous political blunder or a prudent and timely compromise is a problem which, I suppose, will vex the ingenuity of Indian political thought for some time to come. I should be disposed to regard it as the former, more especially for the very reason advanced by the Government of India in vindication of it, *viz.*, that they had received anticipatory warnings—I should prefer to call them threats 'of an explosion of race feeling—when the new law came to be put in force.' At the same time, it may be freely acknowledged that the real principle underlying the Bill has been stoutly maintained in substituting the test of personal fitness for that of race disqualification in the case of native district magistrates and sessions judges. It is the right given to the accused to be tried by a jury, such as is provided for by sec. 451 of the Criminal Procedure Code, which is the objectionable feature of the Concordat, viewed in the light of past experience. It is condemned by the native press and the native public and it seems to me justly, on two grounds. In the first place, it emphasizes another race distinction, and in the second, it increases the chances of escape of European culprits from a merited conviction. Even in

the Presidency towns European juries have been found to be unduly lenient to European offenders. In the mofussil, where race-feeling, as the recent agitation itself has helped us to discover, overrides furiously all sense of justice and right feeling, such a trial by jury would be in many cases a monstrous farce. The discussion that has followed the announcement of the Concordat has taken note of both these objections; but I find that my countrymen are drifting more and more towards proposing a remedy for the first, instead of applying themselves seriously to the second objection. They have been very much taken by the proposal to extend the jury clause to natives also thus doing away with the race distinction. I quite sympathise with them in their feeling on this subject, but it is needful to remind them that the indiscriminate extension of the jury clause would not be an unmixed boon, but that, on the contrary, it may be a mischievous and retrograde step for the due and proper administration of criminal justice in the country. My purpose in writing this letter is to warn them against setting their hearts on a rectification of the equilibrium between natives and Europeans in such a manner and to point out that it is the second objection which deserves far more serious attention and careful safeguarding. With regard to the first objection, I would invite their earnest consideration of a passage in a most thoughtful letter that appeared in the columns of the *Indian Spectator* of last Sunday, under the signature of '*Historicus*.' After pointing out that the amended Bill preserves the equality of jurisdiction of the native and European judges and magistrates, the writer goes on to observe:—'It seems impossible that this principle, once embodied in actual legislation, should ever again be given up. The efficiency of the magisterial jurisdiction all round will no doubt be impaired by privileges to be newly accorded to European prisoners but when the general perception of this, by and by, makes a change necessary, that change must extend the powers of native

magistrates along with those of their European equals. The sagacity of the Defence Association indeed has been considerably at fault if it has thought that the Concordat contains any element of permanence except the very one which it regards with most detestation.' The last sentence tersely sums up the effect of time and working on the amended Bill. It will give a fresh vitality and impulse to the principle of equality which will not rest till it destroys all race distinction in Indian criminal jurisprudence. It would be lamentable to commit the blunder of accepting as a counterpoise to the European right of claiming a jury, a similar right for ourselves, when for the appearance of securing equality, we will be simply impairing through it, the efficiency of the administration of criminal justice throughout the country, and when after all it will have to be sooner or later modified or curtailed.

The pressing need for us at this moment is to devise some measure for guarding against the unjust acquittal of European culprits at the hands of juries of their own countrymen. I see that, with this object in view, the Hon'ble Syed Amir Ali, in the debate in the Viceroy's Council on Friday last, has signified his intention to propose in the select committee certain modifications of sec. 526 of the Criminal Procedure Code. That section refers to the transfer of cases by and to the High Courts. But I do not think that any extension of the power of transfer will be an adequate safeguard against the mischief proposed to be remedied. 'Historicus' also points out in his letter what is perfectly true, that in the mofussil a jury's verdict is by no means conclusive, and the judge may disapprove it, and send up the proceedings to the High Court for decision. Section 307, which provides this procedure, at present applies only to sessions judges. Whether it will be extended to district magistrates in the 'amended' Bill is not known. Probably it will be. The section, however, gives the power only to the trying magistrate, and that too only in cases where

he disagrees with the verdict of the jury so completely that he considers it necessary for the ends of justice to submit the case to the High Court. Such a provision seems to me to be open to very much the same objections, in case the presiding judge is a European, as are urged against the jury itself, though perhaps not to the same extent. He is not unlikely to be swayed by the same prejudices and feelings, though in a lesser degree. The following proposal strikes me as one most nearly calculated to attain the end in view. It is suggested by the new departure which Indian criminal jurisprudence has for some time past taken in the direction of modifying the finality of acquittals. Section 417 of the Criminal Procedure Code empowers the local Government to appeal to the High Court from any original or appellate order of acquittal passed by any subordinate Court. The remedy I propose is to provide in the 'amended' Bill for an appeal to the High Court from a verdict of acquittal by the jury or from an inadequate sentence, and to give this right of appeal to the complainant. The mere existence of such a right would not fail to exercise a chastening influence on both judge and jury; it would go a considerable way towards making the judge careful, and it would operate to some extent to deter juries from being scandalously reckless. In case there was still a miscarriage of justice, the complainant would always have it in his power to seek redress from the highest tribunal in the Presidency. Such a measure on the other hand, cannot be detrimental in any way to the just interests of European prisoners. It has never been contended that they or their womenkind would not be perfectly safe in the hands of the High Courts. I do not say that the remedy will be perfect. Even the cultured and highly regulated conscience of the High Court is not quite impervious to the insidious sophistries of which we have recently seen how prolific the conceits of race pride and prestige are. But we must bear in mind that at the best we have to do with broken pieces. Before the Bill

is finally settled in select committee, I beg to offer this proposal for consideration as best calculated, under all the circumstances of the case, to obviate the mischief which there is but too good reason to believe the Concordat will otherwise work.

I have commenced this letter by venturing to condemn the Concordat as a political blunder, let me end it by pointing out the ray of comfort which should sustain and cheer the Indian people in this crisis. The Ilbert Bill and the agitation against it have secured a distinct political gain to the natives. When the din and turmoil of the agitation will have dissipated, it will be found that the rule of the sword and prestige theories have received blows from which they will never wholly recover. Even that doughty knight, the Goliath of the Philistines, will have assisted in this good work. He may be better compared to Balaam. He was called by his countrymen to curse; he has been unable to do so without intermixing blessing as his latest contributions on the subject of the Bill amply testify. As the old proverb says, his curses, like chickens, will go home to roost, the blessing will remain with us and fructify.—Yours, &c.,

January 9. PHEROZESHAH M. MEHTA.

SPEECH ON LORD RIPON.

[*At the Dinner given to Mr. Nowrozjee Furdoonjee, on behalf of the Parsee Community at Petit Hall on Government conferring the distinction of a C. I. E. on him, with Sir Jamsetjee Jeejeebhoy, Bart., in the chair, Mr. Pherozeshah M. Mehta made the following speech in proposing the toast of "The Marquis of Ripon, Viceroy and Governor-General of India."*]

Sir Jamsetjee and gentlemen,—Under ordinary circumstances I should have laid before you the toast which is entrusted to me, in the quiet and formal manner in which such toasts are usually taken. But I know that a gathering like the present one will never consent to receive with cold formality the toast of the present Viceroy and Governor-General of India, the Marquis of Ripon. (Cheers.) And gentlemen, if we take this toast with warm enthusiasm it is not, I venture to say, in the partisan spirit of any offensive counter-demonstration against any other body of Her Majesty's subjects in India, as has been said of recent displays in other parts of the country. (Hear, hear.) Nor do we thus receive it because, as has also been said, we exult in the thought that Lord Ripon is promoting the interests of the natives of this country at the expense of those of his own countrymen. True children of the soil which has given us kindly nurture for near upon 1,100 years, we are natives to the very back-bone. But we are also bound by all the strongest ties of interest and gratitude to the British Crown and the British rule. (Cheers.) We honour thus the toast of Lord Ripon's health because we are firmly persuaded that his policy is calculated to promote our loyalty to the British Crown and to strengthen the stability of the British rule. We honour his toast thus because, we admire in him the rare combination of grandeur of heart and loftiness of intellect which cheerfully and unfalteringly recognizes that righteousness is an essential and important factor in

Indian as in all other true and far-sighted statesmanship. (Cheers.) We honour his toast thus because he bravely proclaims that solemn pledges and proclamations are not like pie-crusts made only to be broken, are not like Dead Sea apples goodly to behold but dust and ashes in the mouth; nor are they like the gorgeously bound Bibles of men like the now historic member from Madras in the Legislative Council, deceptive cloaks for unjust and unrighteous action. (Hear, hear.) One of the incidental benefits of the agitation against the Ilbert Bill has been to make the people of India widely familiar with the simple and touching words in which the matured wisdom of the Queen-Empress after 20 years of the cares of empire gave directions to Lord Derby to frame the great Proclamation of 1858—words which make us appreciate and feel the well-known dedicatory verses of the Poet Laureate :—

> Revered beloved, O you can hold
> A nobler office upon earth
> Than arms or power of brain or birth,
> Could give the warrior kings of old.

(Cheers.) It seems to me that Lord Ripon has truly interpreted his mission as the Viceroy of such a Sovereign by setting himself to work steadfastly and honestly to match her noble words with equally noble deeds. Through good report and evil report, Lord Ripon has worked and is working hard to fulfil this mission. Nothing that has happened recently has abated one jot of the honour, the admiration, and the confidence in which he is universally held by the natives of this country. (Cheers.) Whether we condemn the Concordat as a political blunder with the veteran *Rast Goftar*, a host in himself, or whether we accept it as a prudent and timely compromise with the *Jame*, the *Samachar*, the *Kaiser* or the *Indian Spectator*—that 'little' paper, but which has none the less done excellent and admirable work in Indian journalism—whether, I say, we condemn or accept the Concordat, our cordial and respectful feelings for Lord Ripon himself have undergone no change

whatsoever. At a recent public gathering to do honour to Major Baring—whom by the way we can never forgive Egypt for depriving us of—I ventured to say* that the natives of India were learning more and more to regard Lord Ripon as a new Buddha born again for the welfare of this country. (Hear, hear.) I was twitted with having indulged in oriental hyperbole in making the observation. But that observation has been amply verified by the magnificent proof of unabated confidence and almost reverential regard which the natives of this country have given to Lord Ripon at this trying juncture of events. It is not given to all men to be so honoured, and I will say that such a proof honours those who give it as him who receives it. When the history of this agitation comes to be calmly written, I have no doubt that Englishmen themselves will admit that Lord Ripon has done more to uphold the true prestige of the English fame than they suspect at present. (Cheers.) The explosion of passion and prejudice which has convulsed Anglo-Indian society high and low, official and non-official, has been of a character to leave bitter and deplorable impressions on the native mind. But fortunately, while it has shown how far the English character can deviate in its selfish and vain-glorious moods, the example of Lord Ripon has proved how high it can rise in its nobler and more earnest phases. (Cheers.) When I ask you therefore to drink the toast of Lord Ripon, I ask you to drink the toast of the noble Englishman, the honest and far-sighted statesman, and thus the truest and most faithful representative of that noble Sovereign who has told us that her native and European subjects are equal in her eyes. (Loud cheers.)

* See above pp. 170—3.

THE CIVIL SERVICE AGE QUESTION.

[*A public meeting of the native inhabitants of Bombay was held on Saturday, the 2nd September, 1884, at the Framji Cowasji Institute on behalf of the Bombay Branch of the East India Association to adopt a memorial to the Secretary of State for India on the question of raising the age of candidates for the Indian Civil Service.*]

Mr. P. M. Mehta in seconding the proposition* said they would pardon him if he looked upon the meeting with some curiosity because they had been recently told that in resorting to this kind of political agitation they were resorting to what was called treason and sedition-mongering. (Cheers and some hissing.) There was no necessity for any such expression of opinion as hisses. But he could not suppress a smile of amusement at the superior persons who gave vent to such absurd utterances. This only showed what knowledge of the natives and of their ways of thought and living those superior people possessed who said they wanted to rule the natives with wisdom and foresight. (Hear, hear, and a laugh.) He was led to make these observations by a letter which had appeared in the *Bombay Gazette* a short time ago under the signature of "Plancus." (Applause.) This gentleman, who had been good enough to disguise his greatness under the modest description of a Government drudge, told them in very solemn words that political agitation was an instrument which the natives could use only to their own ruin. He told them that in respect of political agitation they were in the position of the person who got hold of the magician's wand only to raise spirits in an irregular way. The spirits came, but destroyed him. Such was the fate predicted for them, if they ever resorted to agitation. Though "Plancus" had been busy cursing them, he had still left them a ray of

* *Resolution.*—'That in the opinion of this meeting the regulations in force touching the admission of candidates to the Indian Civil Service Examination are unsatisfactory and do not fairly meet the legitimate claims of native candidates.'

consolation. He had pointed out the remedy by which they could save themselves from his curse. He said he was an exact counterpart of that worthy and estimable gentleman so admirably depicted by Dickens in one of his novels, Sir Joseph Bowley. (Applause.) "Plancus" said he was a friend of the natives of India just as Sir Joseph was the friend of the poor; and told them, natives of India, 'Give up all thinking for yourself and leave me to do it for you. (Laughter and cheers.) I know what is good for you. I will be your perpetual parent. Such is the dispensation of an all-wise Providence.' (Cheers.) So saith "Plancus." Yet another oracle had recently been brought into prominence by his friend Mr. Malabari, who, he regretted to say, had shown less than his usual political sagacity in invoking legislative interference in regard to the evils, the admittedly enormous evils, of infant marriage and early widowhood. Mr. Malabari gave an opportunity to Sir Auckland Colvin to express himself on the subject, and that gentleman advised them to give up political agitation and the self-imposed task of reforming him and his countrymen, and confine their sole attention to remedying their social evils. (Hear, hear.) But, said Mr. Pherozeshah, the natives had never set themselves up for superior persons. On the contrary they admitted that there were a good many points in which their British rulers were far superior to them. But they would maintain nevertheless that, superior though the English might be in the possession of many good qualities, they still required to a certain extent their guidance even in the shape of political agitation, because in the first place the rulers required to protect themselves from their selfish instincts, and secondly from the ignorance under which they laboured with regard to the people among whom their lot was cast. He would say with all deference to Sir Auckland Colvin, that this very question of admitting natives to the Civil Service of India most remarkably illustrated the utmost desirability, nay, the necessity, for the natives to carry on a political agitation

of that sort, for the purpose of throwing light on a subject of great difficulty. (Applause.) While all these superior people were never weary of telling them with great modesty, which surely they did not want the natives to imitate, that they were prudent and full of wisdom and foresight, these very men had in the fulness of their wisdom and after a deliberation of years, evolved a system of statutory civilians. And what were the opinions which these prudent and far-sighted men had since been obliged to pass on the scheme? Were it not for the agitation on the Ilbert Bill, they would not have heard anything like a plain avowal of the fact that the provision in regard to the creation of statutory civilians was a step in the wrong direction. (Hear, hear.) It was necessary all the more to resort to agitation, because those who told them that they wanted to rule over them as benevolent despots had to remember that the only condition on which the forces of benevolence and despotism could co-exist, was this, that there might be an incessant fight between benevolence and despotism in which the force of benevolence must ever triumph over that of despotism. Otherwise despotism would swallow up the benevolence to the utter destruction and demoralization not only of the natives but also of their rulers. (Hear, hear, and cheers.) The existence of men like Mr. Atkins of great notoriety (hisses), to begin with, at one end, and of men like Sir Auckland Colvin at the other, with "Britannicus" and "Plancus" interspersed between them, with their wonderful theories of benevolent despotism pure and simple, showed the necessity of an agitation steady, combined, persistent, and strenuous. (Cheers.) He trusted that when a scheme was laid before them for the purpose of having an independent organization formed with that object, it would secure their serious attention and cordial support. Passing on to the question which they had assembled to consider he asked them to remember one thing, that there were proposals made about reserving certain places in the Indian Civil Service for Europeans

alone. Now the Crown had declared by a free charter that the natives of India were eligible for all offices of state from the highest to the lowest. (Cheers.) In view of this charter, which would never be revoked, the question arose whether it would not be fair and just that the special disabilities under which the natives laboured should be removed. When the question had reached this stage the unfortunate scheme of statutory civilians was brought forward. At that time the Indian burecauracy was far too powerful to allow free scope to the hope entertained by Indian statesmen that the disabilities in the way of their countrymen would be removed. The natives of India immediately saw through the proposal which had been made, and from one end of the country to the other the general opinion was that the creation of such a service was a mistake and would be found to be a mistake. (Hear, hear.) In that very hall a large meeting was then held at which he himself had read a paper* pointing out the great defects of the proposed system, and it was unanimously resolved after discussion that the scheme was fraught with great mischief. There was ample testimony in support of the fact that the reduction of the limit of age had rendered more disastrous a most disastrous solution of the problem, and matters were made much worse by the introduction into the service of Government patronage and Government jobbery. In the late agitation the statutory civilians were branded as inferior officers altogether, and an able writer calling himself "Civilian" had admitted that the selection of statutory civilians had degenerated into patronage and jobbery. At first, however, there was some little chance of natives overcoming the difficulties in their way and entering the Civil Service in an honourable and proper manner. But the reduction of age had taken away from them the last chance of getting into the service by open competition. Even under these well-nigh insuperable difficulties and obstacles there might be found a rare

* See above pp. 54-80.

instance of a precocious youth once in ten years entering the service by fair means." But as the Honourable Mr. Budruddin had pointed out*, they wanted for the service not precocious youths, either native or European, but men who could approach the serious duties of their office with a more ripened intellect and a more cultured understanding. (Applause.) He would not go into the various considerations which had been so ably put forward by Mr. Budruddin. There was however one thing to which he did not refer, namely, that if the age should be raised there would still be difficulties in the way of fair competition, because there was an undue preponderance of the highest number of marks assigned for subjects in which the European competitor was expected and was likely to do better than his native rival. (Hear, hear.) It was unfair that in the subjects in which the natives would naturally have the advantage the marks were comparatively so few. (Applause.) Mr. Pherozeshah said the only statesmanlike and far-sighted policy which would satisfy the just aspirations of the natives of India, was contained in that portion of the memorial which says that the examination should be held in this country under the same tests as in England at one or more centres and that the passed candidates should then be sent to England. (Applause.) He quite admitted that a visit to England would be of immense benefit to the native student, and while agreeing with Mr. Budruddin that it would be unfortunate to send native lads to England at a very tender age, it would still be of great benefit to go there at a mature age for the purpose of finishing their education and return here learned in Eastern and Western lore to take part in the Government of the country. (Loud applause.)

* He moved the resolution which Mr. Mehta seconded.

LORD RIPON'S VICEROYALTY.

[*A public meeting in honour of Lord Ripon on his retirement from the Viceroyalty was held in the Town Hall, Bombay, on 29th November, 1884. Sir Jamsetjee Jeejeebhoy was in the chair. The Hon'ble Mr. Budruddin Tyabji moved the first resolution which ran as follows:—'That this meeting representing the various native communities of Western India desires to place on record the deep sense of gratitude entertained by them for the eminent services to India rendered by the Marquis of Ripon during his administration as Viceroy of India.' In seconding it Mr. Pherozeshah M. Mehta, who was received with cheers, spoke as follows.*]

Mr. Chairman and gentlemen,—When we remember the numerous meetings and demonstrations that have taken place all over the country during the last fortnight, and when we behold the vast and enthusiastic concourse of people that has assembled here to-day from all parts of the Presidency, it is impossible not to recognize that Lord Ripon has succeeded in moving the heart of all India, as it has never been moved before, even by the most illustrious of the many illustrious men who have been his predecessors in the high office of Governor-General or Viceroy. (Cheers.) And numerous and representative as these gatherings have been, they still most imperfectly indicate the depth and extent of this emotion, which can only be fully understood by those who have opportunities of coming across and witnessing the free expression of native thought and opinion in its ordinary current of daily life. Sir T. Madhava Rao never spoke more truly or more eloquently than when he said at the great meeting at Madras, that Lord Ripon had come to win the entire confidence of three hundred millions of keen and critical Orientals, and that one word from him could do more than a hundred thousand bayonets. (Loud cheers.) Finding it impossible to deny the existence of this universal feeling, our local mentor of the *Times of India* has tried hard to persuade us, and the *Hindu Patriot* has since followed suit, that it is all owing to the circumstance that 'the natives seem to recognize

Lord Ripon's generous good-will towards them as the highest attribute possible in a Governor-General', adding, that 'Europeans, however, demand something sturdier in a statesman officially responsible for the prestige of England and for the welfare and safeguarding of two hundred and fifty millions of people.' And the writer finds it impossible to read Lord Ripon's recent speeches without seeing that they are filled 'with amiable regrets.' If persistent tenacity in enforcing a view could achieve success, these views were bound to prevail, for during months past the writer has gone on enforcing them, like

> 'The gnat
> 'Which settles, beaten back and beaten back,
> 'Settles, till one could yield for weariness.'

He has, however, failed utterly, as the strength of the feeling for Lord Ripon has been such as to defy all sense of weariness. Amidst some confusion of thought and language, the political instinct of the people has guided them unerringly to the conclusion that in Lord Ripon, they had the good fortune to secure a statesman who knew how to rule the destinies of the country with wisdom and foresight at an anxious and critical period of its progress. (Cheers.) It has been long patent to those who have had opportunities of studying carefully the phenomena of Indian political life, that we have passed and are still passing through a critical period of its history, though in a sense very different from the alarmist prognostications of those superior persons, who with a solemn simplicity that is perfectly charming, delight in describing each other as 'cool, shrewd and distinguished servants of the State.' (Cheers.) In the history of British rule in India, gentlemen, the era of acquisition and conquest was succeeded in the natural order of things by the era of consolidation and settlement. It then became necessary to lay down the principles on which the foreign rule could be carried on. Despite many exceptions and many drawbacks,

the sturdy and robust common sense, which is at the bottom of the English character, steering clear of perverse and narrow-minded jingoism as of impracticable sentiment, prevailed in settling these principles. It was clearly recognized, that even the most paternal despotism had never been, and could never be, a lasting foundation for a foreign rule, peculiarly so in the case of the people of India, with a civilization, to quote the words of our new Viceroy, 'the most ancient, the most continuous, and the most artificially organized to be found on the face of the earth.' It was clearly understood that, even for Orientals, an absolute despotism was an impossible creed in practical politics, not the less so that the ruling nation itself had to work its destiny out of a system of complex social and political forces. The only alternative that remained was accepted, that the paternal despotism must surely, if gradually, prepare itself to be moulded and modified in harmony with the progress, education and enlightenment of the people, and be leavened by their ever-increasing political co-operation. These principles were firmly and clearly grasped and enunciated by the statesmen of the day. They found their most animated and forcible expression in the minutes and speeches of that most typical and practical-minded of English thinkers and politicians, Lord Macaulay, and their practical application in the measures adopted to carry them out by the men who had then the conduct of Indian affairs in their hands. And these principles, gentlemen, were not accepted and acted upon, blindly and ignorantly, but with a full forecast of their possible consequences. (Cheers.) Perhaps many of you remember, gentlemen, the story told of Mountstuart Elphinstone when he was Governor of Bombay. It is related by Lieutenant-General Briggs, who served under him at the time of the Mahratta crisis. 'On my observing in a corner of his tent one day,' says that officer, 'a pile of printed Mahratta books, I asked him what they were meant for?' 'To educate the natives,'

said he, 'but it may be our high road back to Europe.' 'Then,' I replied, 'I wonder you, as Governor of Bombay, have set it on foot.' He answered, 'We are bound under all circumstances to do our duty by them.' (Applause.) Then, gentlemen, in 1857 and 1858, there came a time of grief and terror, of tribulation and gloom, of exultant triumph and revengeful excitement; and even at such a momentous time these principles were confirmed and ratified in a State document in which the sober statesmanship of England shows off at its best. Well, gentlemen, since then more than a quarter of a century has passed away, and those principles and those measures have been slowly bearing fruit. Palpable and tangible evidences of their working have been springing up on all sides. But unfortunately at the same time, the march of events and the force of the altered condition of things have been changing the English ruler from the vigorous conqueror and statesman into the energetic administrator. It is impossible to deny, gentlemen, that in the Anglo-Indian Civil Service, India has trained up a body of men who are unsurpassed all over the world for excellent administrators. But in undergoing this transformation, they have almost inevitably lost their old grasp of principle in the multitude of details they have to deal with; and though, rising step by step, they sit in the highest councils of the State and may deceive themselves into the belief that they possess their old cunning of statesmanship, the fact is that they have lost it almost altogether. No man is a hero to his own valet, and the Anglo-Indian Civil Servant, coming into too close contact with the Indian people but not close enough for sympathetic comprehension, is more impressed with the unfavourable, outlandish and grotesque side of their qualities and character. (Cheers.) In him, therefore, the evidence of the result of the progress that has been going on creates only alarm and amazement. The children have shot up into disagreeable hobbledehoys, and

are fast growing into aspiring and importunate youths; and the startled step-parent, against whom they are inconveniently pressing closer and closer, feels utterly ill at ease, and does not know what to do with them. (Laughter.) And thus our Anglo-Indian rulers come to be in the position of the hero who sets out on high enterprise in many an Oriental allegory. Half-way up the goal, he is assailed by dire threats and forebodings, by hideous shouts from beasts and demons, and warned to turn back for very life. You know, gentlemen, that if, cowed by such menaces, he wavers and looks back, he is lost. He triumphs only if he resolutely pushes forward. It is through this intermediate stage, gentlemen, that our English rulers have been passing. Half-way on their great mission of governing India they are assailed by fears and alarm at the consequences of the progress around them, and 'the coolest, shrewdest and most distinguished' of them see nothing but disaffection and mutiny and ultimate ruin if they did not retrace their steps. (Cheers.) This spirit of alarm and reaction found full play during the administration of Lord Lytton. The results of his Viceroyalty may be shortly described 'as the preparation of the hero of the enterprise to turn back alarmed.' The native press was gagged, the promises and charters given to the people were declared to be made only to be broken, the prestige of England was proclaimed to be one of fear and force, and not of good faith and honour. Imperialism and jingoism were installed in tawdry pageants, and the country was involved in a wanton war, with its attendant heavy financial embarrassments sought to be concealed by discreditable financial manipulations. Gentlemen, there never was a more anxious and critical period in the history of British rule in India, than when Lord Lytton resigned the reins of office. He left the country in a state of doubt and perplexity, of alarm and uneasiness. At this juncture, Lord Ripon assumed the reins of office; and fortunately for India, in him we got back

the true old English statesman, wise in his noble generosity, and far-sighted in his righteousness. (Applause.) It is no exaggeration to say that he has saved the country from grave disasters that would have followed the false and perilous reactionary step that was being taken. More than a century ago, the military sagacity and enterprise of Clive had enunciated the maxim that helped in creating the British Empire in India. The same comprehensive *coup d'œil* and the same strong spirit led Lord Ripon to perceive that it was necessary to hold fast to the same maxim in maintaining and governing it, *viz.*, 'to stand still is danger, to recede is ruin.' (Cheers.) There was no retreat possible from the old declared policy, and history will record it to his lasting honour and glory that Lord Ripon honestly and conscientiously girded himself for the work before him, stopped the reaction and ordered an advance all along the line. (Cheers.) It seems to me, gentlemen, that this is the keynote to the whole of Lord Ripon's policy, and every important act of his administration can be properly referred to it. He restored the liberty of the native press. He gave a vigorous push to the principles of local self-government, avowedly with the double aim of securing improved local and municipal administration as also to give political education to the people. He invited the co-operation of able and qualified natives in the work of government. He has supported in every way the educational progress of the country; he has encouraged sympathetically the march of high education, and he has cleared and prepared the way for the educational elevation of the masses, so that it should keep touch with the percolating influences of higher education. (Cheers.) Whatever may be thought of the immediate result of the Ilbert Bill, one great good it has undoubtedly effected, in consequence of the controversy being carried to England. Through the passing uproar, one assurance for the natives of India has come out clear and strong,

that the English nation will never consent to upset or modify the great principles of justice and equity on which the declared policy of the Crown for the government of India is based. Add to this that he restored peace, and vigorously promoted the economical and industrial advancement of the country, so that all the other measures may have a free and fertile field in which to flourish and fructify. True that in all these measures Lord Ripon has taken no leaps and bounds, and the general advance has been gradual and measured so that it may be harmonious. (Cheers.) But such a reproach comes with ill-grace from people who, on the other hand, were alarmed at the haste and rashness of his policy. It is the height of inconsistency in such people to say that the outcome of all Lord Ripon's policy is exhausted in 'amiable regrets.' I would answer them in the words of a great book, and tell them that the work Lord Ripon has done is 'like to a grain of mustard seed which a man took and sowed in his field, which indeed is the least of all seeds, but when it is grown, it is the greatest among herbs, and becometh a tree, so that the birds of the air come and lodge in the branches thereof.' I say then, gentlemen, that history will gratefully record Lord Ripon's name among those great men who guided the British Empire in India at a crisis of great anxiety and peril, and steered it clear of dangerous rocks. And I am sure it will come to pass, that it will be acknowledged that he has done as great service by his steadfast policy of righteousness, which has been derided as weak sentiment, as ever Lord Canning did, as is now admitted, by his firm policy of justice, which was then derided as clemency. (Loud cheers.) Memorials and monuments of all sorts bearing his honoured name are being raised in all parts of the country to commemorate his great and good work, and it is said that he will be rewarded with a dukedom on his return to England. (Applause.) This is as it ought to be, but he has raised a surer monument to himself in the grateful hearts of the people of India;

he has secured a nobler reward in their blessing, which will fervently accompany him on his leaving these shores. In giving an account of his stewardship to his country and its royal mistress, he can point to them as the surest testimony of how he has discharged himself of the great trust reposed in him. and say that he has left peace where he found war, he has left content where he found uneasiness and alarm, that he has restored the true prestige of England—the prestige of its good faith and honour—and that he has left the loyalty of the people firmly anchored in their confidence and gratitude instead of in fear and force. Gentlemen, is not this a record of as true and faithful service and of as great and good work as ever was performed? The verdict which is given by your cheers which have rung through these halls as they have never rung before, will, I doubt not, be endorsed by the great English people and their sovereign, who, as her own poet-laureate has sung—

> Has a nobler office upon earth
> Than arms, or power of brain, or birth
> Could give the warrior kings of old.

Never has prophecy been more truly fulfilled than that uttered by that remarkable man, General Gordon, four years ago, when he said 'God has blessed England and India in giving the Viceroyalty to Lord Ripon'. (Loud and prolonged cheers.)

ESTABLISHMENT OF THE BOMBAY PRESIDENCY ASSOCIATION.

[*A public meeting of the native citizens of Bombay was held on the 31st January, 1885, at the Framji Cowasji Institute, in response to an invitation from the Hon'ble Mr. Budruddin Tyabji, Mr. Pherozeshah M. Mehta and the Hon'ble Mr. K. T. Telang, to take steps to start a new political association in Bombay for the promotion and advocacy of the public interests of this country. There was a very large and representative gathering of natives of all classes and denominations. Sir Jamsetjee Jeejeebhoy, Bart., C. S. I., was in the chair. In seconding the resolution appointing the President and Vice-Presidents of the Association, which was moved by the Hon'ble Mr. Telang, Mr. Pherozeshah M. Mehta made the following speech.*]

Mr. Chairman and gentlemen,—My honourable friend Mr. Tyabji*, has already laid before you the reasons why it is necessary to establish this political association in Bombay. He has very well pointed out to you that the need for this association arises not only in the interest of the maintenance and assertion of our rights with the progress of the times, but also from the necessity that arises to acknowledge the duties and responsibilities that attach to us in consequence of our efforts to claim rights. (Cheers.) My friends the Hon'ble Mr. Telang and Mr. Nowrozjee Furdoonjee† have appealed to you to recognise that need and come forward to give that help which is due from every citizen of this country in a cause of such importance. (Cheers.) And gentlemen, I do not think I can give you the reasons why everybody should respond to this appeal in more eloquent terms than those which were employed by our new Viceroy, the Earl of Dufferin, nearly ten years ago, (Hear, hear) in a speech which he made at Quebec. He said:—

I cannot help wishing to express the extreme satisfaction which I experience in observing with what alacrity and self-abnegation the chief citizens of Quebec, gentlemen whose private occupations and engagements must be extremely absorbing, are content to sacrifice their domestic

* He moved the first resolution.

† The latter seconded the first resolution.

leisure and the interests of their private business in order to give their time and attention to the public service. Gentlemen, I take it that there is no more healthy sign of national life than this, or rather that there would be no more fatal indication of an unpatriotic, selfish, and despicable spirit, than were what are called the business men of the country, that is to say, those persons, who by their education, character, habits, and intelligence, are best fitted to serve her, being tempted by an over-absorption in their private business to abstain from all contact with public affairs, and from a due participation in the onerous and honourable strife of municipal or parliamentary politics. Were such a defection on the part of the most intelligent, energetic, and high-principled men of the country to prevail, the consequence would be that the direction of its affairs would fall into the hands of corrupt adventurers and trading politicians, and that the moral tone of the nation as a nation would deteriorate throughout every stratum of society; and what, I ask, is the worth of the largest fortune in the world, of the most luxurious mansion, of all the refinements and amenities of civilization, if we cannot be proud of the country in which we enjoy them, if we cannot claim part in the progress and history of our country, if our hearts do not throb in unison with the vital pulse of the national existence, if we merely cling to it as parasites cling to a growth of rotten vegetation. Of course, I do not mean to imply that we should all insist on being prime ministers, secretaries of state, or mayors, or members of Parliament, or town councillors. Such aspirations in all would be neither useful nor desirable. A large proportion of the energies of the community must be always employed in building up its mercantile, manufacturing, and agricultural status, and in its learned professions; but I venture to think that no one, especially in a young country, no matter what his occupation, should consider himself justified in dissociating himself altogether from all contact with political affairs. The busiest of us can examine, analyse, and judge; we can all canvass, vote, protest, and contend for our opinion; we can all feel that we are the active members of a young commonwealth whose future prospects and prosperity depend upon the degree of patriotism, self-sacrifice, and devotion with which we apply our energies in our several stations to her material, moral and political development.

I say that I cannot have used more eloquent language than this in making the appeal which we now make to you for the purpose of securing your help in the foundation of this Association. Gentlemen, I appeal all the more strongly because I think the time has now come when the individual and isolated efforts of a few men, however good and true, should be supplemented and pushed forward by the young raw material that is accumulating before us day after day. Gentlemen, it has been remarked more than once that in this country our

first veteran reformers and leaders have not been succeeded by men from the younger generations. I have more than once said that this is not the right way of looking at the phenomenon. I am quite ready to admit that our old and veteran leaders, men like Dadabhai Naoroji and Nowrozjee Furdoonjee, and others whose names will occur to you at once (cheers), have done right good work in *their* time, and have rendered most important and valuable services to their country. (Cheers.) But, gentlemen, my faith is large in time and that which shapes it to some perfect end, and I devoutly believe that just as good fish is in the sea as ever came out of it. (Cheers.) And I sanguinely look forward to the day when our younger generations will produce, even though they be rare, other Dadabhai Naorojis and Nowrozjee Furdoonjees and the rest of them. (Cheers.) But before that could be done we must ask you to devote yourselves even at some sacrifice to the cause of the country. (Mr. J. M. Patel: 'As you are doing.' Cheers and laughter.) It would, in fact, be no sacrifice: life would lose its relish without its sacrifices, and I ask every one of you, however small your means may be, to make some sacrifice for a general and important cause of this character. I trust before the meeting separates we shall receive assurances of support from a large portion of this assembly who have been so good as to respond to our invitations. (Cheers.)

SPEECH ON PROFESSOR FAWCETT.

[*A public meeting to commemorate the services rendered to India by the late Professor Fawcett was held in the Town Hall, Bombay, on 2nd September, 1885. His Excellency Lord Reay, Governor of Bombay, presided. Mr. Pherozeshah M. Mehta spoke as follows in moving the second resolution.*]

Your Excellency, ladies and gentlemen,—The proposition entrusted to me is 'That in the opinion of this meeting it is desirable to raise a fit memorial to perpetuate the memory of the late Professor Fawcett.' I do not think that it will require many words from me to commend this proposition to your cordial acceptance. The greatness of England and of the English character has been often measured by the great men she has produced. Many of the gentlemen present here will perhaps remember how at a recent memorable Convocation of our local University, the then Vice-Chancellor, Mr. Justice West, dwelt on the traits of character by which she was enabled to achieve this greatness, and referred us to those well-known lines, in which the most natural and musical of English poets boldly delineates them in a few happy touches—

> Pride in their port, defiance in their eye,
> I see the lords of human kind pass by.

I think, gentlemen, that these lines very fairly describe the qualities by which, among other things, the English were able to found the British Empire in India. But with the need to settle down to steady good government after the era of 'the daring aims irregularly great,' the English character has undergone a beneficent change and development in its highest phases. Strong still in the old pride and prowess, it has become stronger and nobler still in the lofty and thoughtful conception of moral and political duty which illumines the life and career of such a man as Professor Fawcett. (Applause.) To my mind there is no more touching spectacle than that of

the blind Professor, who had achieved for himself one of the most remarkable positions in the House of Commons, devoting himself as the champion of a country he had never seen, and the steadfast friend of a people with whom he had never come into personal contact, simply because that country needed a champion and those people wanted a friend to represent their interests. (Applause.) Such a figure strikes me as even more chivalrous than the figures of the ideal knights, of whom the Poet Laureate has in our day sung so much, 'who went about redressing human wrong.' And this advocacy was as valuable to us as it was honourable to him. It was valuable to us, because Professor Fawcett was no weak sentimentalist or mawkish philanthropist, but, on the contrary, he had what his distinguished literary friend Mr. Leslie Stephen has described as characterizing one of the most masculine and vigorous of English intellects, that of Dr. Johnson, a huge contempt for the foppery of high-flown sentiment. Those who knew him well all testify to his thoroughly practical turn of mind, his sobriety of judgment, and his close powers of reasoning. And his advocacy was most honourable to himself, as he gave it with that fearless independence which was ingrained in his very character. (Applause.) Not a few here can probably call to mind how, though a thorough Liberal in politics, he severely and unhesitatingly condemned the action of the Gladstone Government at the last moment with regard to the abolition of the purchase system in the army. With the same independence, he was never deterred by any unworthy fears of jeopardizing his popularity with the constituencies from firmly reminding them that England was constantly casting burdens on the shoulders of the people of India which she was bound in justice to bear herself either wholly or in part. (Applause.) To appreciate the courage of such utterances, we must bear in mind that the English people are most delicately and peculiarly sensitive in the region of their pocket. It has been said, ladies and gentlemen, that Professor Fawcett's

exertions in the interests of India were barren of results. Those who say so seem to me to fail utterly in recognizing the vast influence exercised by the moral forces of sympathy and example. (Hear, hear.) It cannot but be that the people of India would feel a more generous loyalty and attraction towards a nation which can produce such sons and a civilization which can produce such culture. (Cheers.) And it cannot but be also, that Professor Fawcett's own countrymen would be induced to give respectful attention to the views of a man so practical, so sober, and so independent, and more and more learn to think with him that a foreign government must not only be pervaded by justice, but must also be tempered by sympathy. (Cheers.) If Professor Fawcett did aught to promote these ends—and this numerous and enthusiastic gathering testifies that he did—he has done enough to earn the lasting gratitude of both the countries which he so nobly and so usefully represented. (Applause.)

INDIA AND ENGLISH PARTY POLITICS.

[*At a meeting of members of the Bombay Presidency Association, held on the 29th September 1885, to appoint Delegates and take steps for interesting British electors in Indian questions at the General Election, Mr. Pherozeshah M. Mehtà made the following speech.*]

Mr. Pherozeshah M. Mehta said that, at that late hour they must have made up their minds not to expect a long speech from him. He had listened with the greatest interest to the eloquent and vigorous speeches made by the speakers who had preceded him, for he found in their utterances the fulfilment of one of his most earnest political convictions. This movement was the beginning of the most important step they were going to take for the political advancement of this country. Going beyond Mr. Budruddin, and also going a little way beyond Mr. Dadabhai, he would say the time was come when they must submit Indian questions to the keen and searching criticism of party warfare. Until that was done, Indian questions would never be thoroughly sifted in England, and what they asked for would never be fully understood or granted. They must ask the English people not to listen to Anglo-Indians only, but to hear both the one side and the other. Although no doubt Indian interests would sometimes be sacrificed in the heat of party warfare, the intellect and the conscience of England would move, as it had always done in the long run, in the path of true progress and beneficent reform. They might have to incur some incidental risk and make some incidental sacrifice, by submitting Indian questions to party warfare, but he was sure that in the end they would be the gainers. Most of them must have read the letter which recently appeared in the *Times* from the pen of a Bombay correspondent. The subtle fallacies and superficial views which pervaded the whole of that letter must have proceeded from a typical Anglo-Indian. These fallacies could never be detected by the English

people, even if they were simply to sit down in calm deliberation and try to get at the truth. It was a very plausible but pernicious fallacy, which had unfortunately gained a very general acceptance, that Anglo-Indians possessing experience of this country must be the best counsellors of England on Indian matters. (Hear, hear.) The fallacies and misapprehensions of the letter he had referred to would never be exposed till they were examined by the sharp and sifting criticism of party warfare. The writer had described the political movements going on through the country as the work of ambitious agitators. Till Indian questions were made party questions, the English public would never find out that these movements were really something very different; that they were more like coming events casting their shadows before, or rather, as the poet says:—

> Even now we hear with inward strife,
> A nation toiling in the gloom,
> The Spirit of the years to come,
> Yearning to mix himself with life.

That, Mr. Mehta went on to say, was what was going on. (Hear, hear.) They were the first efforts to realize the higher political life of the future. The typical Anglo-Indian could never understand that, and to him might be said as to the sophist,

> And yet though its voice be so clear and full,
> You never will hear it; your ears are so dull.

Able and strong-minded as he might think himself to be, he would never hear it till he learned to illumine the present with the light of the future. Their only salvation lay in bringing all Indian questions to the searching criticism of party warfare in England; and if that was done, even though they should have to make sacrifices now and then they would ultimately be the gainers. (Applause.)

ANSWERS TO SOME OF THE PUBLIC SERVICE COMMISSION'S QUESTIONS—SET E.

Q. 1. What is the prevalent feeling in your province regarding the existing Statutory system? If the feeling is one of dissatisfaction, is the dissatisfaction general or is it confined to certain sections of the community?

A. The feeling in this province regarding the existing Statutory system is one of dissatisfaction. The dissatisfaction is not confined to particular sections of the community. It prevails very largely among the official as well as the non-official classes of the Anglo-Indian community as was made manifest at the time of the agitation against the Criminal Jurisdiction Bill (popularly called the Ilbert Bill). As regards the Indians themselves, it is general among those members of the sections—Mahomedan, Parsi, Hindu—who at all think or speak about public affairs. The only exceptions have been of those—and they are very few—who have hoped or hope that they might secure a share of the patronage under the system. Since very recently, some of the members of what are called the backward races have begun to be less emphatic in their condemnation of the system, but I believe this has not originated from themselves, but it is owing to its being suggested to them that the advanced classes will otherwise have a monopoly of entrance in the Civil Service.

Q. 2. What are the grounds upon which any such feeling is based?

A. The grounds upon which this feeling of dissatisfaction is based will be best understood by a brief reference to the circumstances under which the measure originated and the action adopted from time to time to carry it out.

By Act 3 and 4, Will. IV., C. 85, Clause 87 (Government of India Act of 1833), it was enacted that no native of

India nor any natural-born subject of his Majesty resident therein shall by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office or employment under the said Company. This clause was deliberately enacted as a measure of sound policy, and in an explanatory dispatch the Court of Directors interpreted the clause in the following words:—

'The Court conceive this section to mean that there shall be no governing caste in British India, that whatever other tests of qualification may be adopted, distinction of race or religion shall not be of the number; that no subject of the King, whether of Indian or British or mixed descent, shall be excluded either from the posts usually conferred on Uncovenanted Servants in India or from the Covenanted Service itself, provided he be otherwise eligible.'

The same policy was reaffirmed by the Government of India Acts of 1853 and 1858, and in throwing open admission into the Covenanted Civil Service to public competition, Parliament recognised the right of all natural-born subjects of her Majesty to enter the lists. In 1858 when the paramount necessity of maintaining the stability and permanent security of British rule in India was prominently present to all minds, this policy was further enforced by her Majesty's Proclamation in which she announced her will that—

'So far as may be, our subjects of whatever race or creed be impartially admitted to offices in our service, the duties of which they may be qualified by their education, ability and integrity, duly to discharge.'

A general knowledge of those pledges and promises contained in these enactments and declarations has been far more widely spread than is usually imagined, and has not been confined to the educated classes only, but has penetrated very low down among the peoples of India. In these days, when the formation of a distinct English service, or to speak plainly the establishment of a governing class is advocated in one form or another in

the name of the paramount necessity of maintaining British rule, it is well to remember that the declaration of this broad and liberal policy has been a potent factor in forming and consolidating Indian loyalty to British rule, while the discontent arising from the non-fulfilment of the pledges has spent itself on the local administration; which alone has been held responsible for not carrying out pledges given in all honesty and good faith by the English people and their Sovereign. In process of time, experience commenced to make it evident that the natives of India were heavily handicapped in the race of competition as against English competitors—firstly in consequence of the examinations taking place through the medium of a language foreign to them, which however was right and proper under the circumstances of the case; and secondly in consequence of the examinations being held in England, which was not considered fair or essential. Representations with regard to this latter point continued to be made from time to time by public bodies in India, till at length about 1868, it began to be admitted by successive Secretaries of State for India that the complaints and grievances in this respect were well founded, and measures should be adopted to remedy them. What was urged by native public opinion, such as it was, with regard to the grievance and its remedy was clearly embodied by the late Professor Fawcett in the motion of which, as member for Brighton at that time, he gave notice in the House of Commons in 1868. It was as follows:—

'That this House, whilst cordially approving of the system of open competition for appointments in the East India Civil Service, is of opinion that the people of India have not a fair chance of competing for these appointments as long as the examinations are held nowhere than in London; this House would therefore deem it desirable that, simultaneously with the examination in London, the same examination should be held in Calcutta, Bombay and Madras.'

After long correspondence and consultation with the Government of India, the measure that was laid before Parliament and passed was as different as it was unexpected; and Cl. 6 of 33 Vic., C. 3, after reciting that it was expedient to afford additional facilities for the employment of the natives of India of proved merit and ability, gave power to the authorities in India to appoint natives of India to places in the Covenanted Civil Service. This measure was received with the greatest dissatisfaction by all natives who at all thought on the subject; and I believe I have correctly given the reasons for that dissatisfaction in a paper which I read before the Bombay Branch of the East India Association* when the Act was being passed through Parliament and which is published in the *Journal of the East India Association* Vol. V., No. 1 (a copy of which I beg to lay before the Commission herewith). Those reasons briefly stated, were, 1st, that when they had asked to enter the service in the way pointed out by Lord Macaulay, 'in the most honourable manner, by conquest, as a matter of right, and not as a mere eleemosynary donation,' they were asked to enter it by a backstairs door, that would stamp them as inferior to and different from their English colleagues; and 2nd, that the power of nomination, however attempted to be safeguarded by rules, was inevitably destined to degenerate into favouritism and jobbery through the combined operation of the forces of interest, ignorance, insufficient knowledge, and prejudice. It was further felt, as pointed out at the time in the *Hindu Patriot*, then I believe under the guidance of the late Mr. Kristo Das Pal, that though the measure might benefit individual natives, it could not raise the status of the people of India. The feeling of dissatisfaction with which the Statutory Act was received was intensified by the events that followed, realizing all the forebodings that had been entertained regarding it. For a long time nothing was done under the Act except the occasional exchange

* See above pp. 54-80.

of dispatches between the Secretary of State for India and the Viceroy in Council. Then a spasmodic effort was made to give effect to it, in the sense that natives of proved merit and ability from the Uncovenanted Civil Service might be promoted to posts in the Covenanted Civil Service. In the Bombay Presidency one such appointment was made, and the person designated by the entire native public as exceptionally and eminently qualified for it was passed over through misconception and prejudice. In 1878, Lord Lytton's Government framed rules under the Act, and what Sir Charles Wingfield had said at the time of the passing of the Act—that 'he had every reason to believe from what he had been told by the members of the Council and the Under-Secretary of State for India that the power of appointing young men to the lowest grades in the Civil Service would be hardly ever exercised at all'—was actually proposed to be done systematically by these rules. What he had predicted as the result of such an attempt actually came to pass. He had said that 'he did not think it would be desirable to give the Governor-General power to appoint young men to the Civil Service at the bottom of the list, because he thought it exceedingly probable that his selections would be made merely by favour and interest.'

What took place in the Bombay Presidency was summed up by Principal Wordsworth in a letter which he addressed to the *Pall Mall Gazette* on the 16th June, 1884, in the following words:—

'The people now selected are in reality representatives as little of the aristocracy as of the intelligence of the country. They are members of respectable families who happen to enjoy the favour of some elevated official, a Secretary to Government, a member of Council, or a Police Commissioner. In this Presidency a College education and a University Degree appear to be regarded as positive disqualifications for selection. A young man of independent character and high talents cannot now hope to enter the Civil Service by competition, and he

has generally no wish to enter it by the back-door of favour. Every one, again, who knows India also knows how far the official world here appreciates the independence of educated natives and what chances it is willing to give them. Deferential ignorance, conciliatory manners and a plentiful absence of originality and independence are now, and always will be, at a premium.'

The feeling of dissatisfaction against the Statutory system has grown and formed itself through these circumstances. At one time it had almost grown into a feeling of alarm which has not yet altogether subsided. That was at the time when the blue-book containing the papers relating to the admission of natives to the Civil Service of India was published. Just before the rules were framed by Lord Lytton's Government, the limit of age for the open competitive examination was reduced to 19. Ever since the limit of 23 fixed in the recommendation of Lord Macaulay's Committee was gradually begun to be reduced, suspicions had been entertained and complaints made that the object was to render it difficult for the natives to go to England to compete. When in 1876 Lord Salisbury, in opposition to the advice of the majority of the members of the Government of India, including the then Viceroy, Lord Northbrook, of a majority of the officials consulted in India, and of the Civil Service Commissioners in England, and against the opinion of Professor Jowett, the only surviving member of Lord Macaulay's Committee, decided to lower the limit of age form 21 to 19, it was felt in India, that, whatever the object, the competition entrance into the Covenanted Civil Service was very nearly practically closed against them, and the failure of the Indian candidates who still presented themselves confirmed this view. The publication of the blue-book I have mentioned above followed soon after, and it was perceived with dismay how near the natives had been from being altogether shut out from the English Covenanted Service, the pledge of free equality guaranteed to them so long and so solemnly desired to be taken away, and a Statutory Civil Service

somewhat extended given in its place. Lord Lytton's proposal, which was only given up because there was no hope of obtaining the sanction of Parliament to it, virtually amounted to reversing the old declared policy of the Company and the Crown and forming a governing class. It was felt that all this arose out of the policy of having a Statutory Civil Service for natives, and the feeling of dissatisfaction in regard to it deepened accordingly. This feeling is not entirely allayed, as it is apprehended that the existence of the native Statutory Service will always be suggestive of the revival of such an impolitic and unwise course.

Through these circumstances, the feeling of dissatisfaction against the Statutory Service has been gradually generated and can only be fully understood by keeping them well in mind.

Q. 3. Is the feeling of dissatisfaction, if it exists, directed against the Statute itself (33 Vic., Chapter 3, Section 6), or is it directed against the rules framed thereunder?

A. It will be seen from my reply to question No. 2 that the feeling of dissatisfaction is mainly against the Statute itself. In so far as the Rules establish the system of selection by nomination, they contribute also towards fostering the feeling of dissatisfaction.

Q. 4. If the Statute itself is objected to, is it because its provisions admit persons to specific appointments only and not to membership in an organized 'Service'?

Q. 5. Are the objections based on other and, if so, what grounds?

A. 4, 5. The Statute is partly objected to, in consequence of the circumstance mentioned in this question. I have already indicated the other objections in the previous answers.

Q. 6. If a desire is felt for enrolment in a general service, what are the reasons for this desire?

A. The reasons for the desire felt for enrolment in a general service cannot be better described than in the

words of Lord Macaulay in his remarkable speech on the Government of India Bill of 1853:—'I can conceive nothing more unfortunate for the people of India than that you should put into the Civil Service a native because he is a native, if he is to be the worst man in that service, a man decidedly inferior in attainments to all the members of that service, and who would be looked down upon by his European colleagues. Under the proposed system, it would depend on the natives themselves, and upon them alone, at what time they should enter into the Civil Service. As soon as any native of distinguished parts should by the cultivation of English literature have enabled himself to be victorious in competition over European candidates, he would in the most honourable manner, by conquest, as a matter of right and not as a mere eleemosynary donation, obtain access to the service. It would then be utterly impossible for his European fellows to look down upon him; he would enter the service in the best and most honourable way; and I believe that in this mode, and this mode alone, can the object which so many friends of the native population have in view, be attained in a manner at all satisfactory.'

Q. 7. What amendments do you advocate in Section 6 of the Statute ?

A. I consider no amendment, short of abolition of Section 6 of the Statute, sufficient. It will be remembered that so far as cases of exceptional merit or administrative exigencies are concerned, they are provided for by clauses 3 and 4 of 24 and 25 Vic., C. 54, which are still law.

Q. 8. Do you consider that Section 6 of the Statute supplies such a definition of the words 'Natives of India' as describes with sufficient clearness, fulness, and accuracy the various classes of persons for whose appointment to Covenanted posts it is desirable to provide ?

Q. 9. If not, can you suggest any more complete or more satisfactory definition ?

A. 8, 9. The definition of the words 'Natives of India' in Section 6 seems to me to be sufficiently clear and full.

If all inequalities and anomalies were removed, I should consider it just and proper to include all domiciled Europeans in the term.

Q. 10. If the objections are directed against the rules framed under the Statute, do they relate to the mode or modes of selection actually adopted ?

Q. 11. Do they relate to the general conditions, in regard to pay, promotion, and retiring annuity under which Statutory Civilians hold their offices ?

A. 10, 11. The system of nomination is certainly regarded as very objectionable, as it undoubtedly is. So far as the rules as to pay, promotion, &c., are concerned, they also contribute to accentuate the position of inferiority in which the Statutory Civilians are placed or find themselves.

Q. 12. Assuming the Statutory system to be retained, what amendments would you suggest in the Rules with a view to remove any reasonable objections which may be felt to them ?

A. I cannot consider that any amendments in the rules will remove the worst and most objectionable features of the Statutory Service, above all, its political unwisdom.

Q. 13. Are Statutory Civilians regarded by the general public as occupying a position inferior to that of persons who enter the Covenanted Service through the competitive channel ?

Q. 14. If such a feeling exists, on what grounds is it based ?

A. 13, 14. So far as my experience goes, Statutory Civilians are regarded as occupying a position inferior to that of persons who enter the Covenanted Service through the competition channel, the reasons being that they are regarded as not having given the same proof of merit and ability, as having got in through interest and favour, and as not enjoying the same position, rights, and privileges.

Q. 15. Do the general public view with any difference the status of Statutory Civilians and that of Uncovenanted Officers ?

Q. 16. If so, on what grounds ?

A. 15, 16. No comparison, so far as I am aware, has been actually made between the status of Statutory Civilians and that of Uncovenanted officers.

Q. 17. On the assumption that the Statutory system is retained, how would appointment to the Statutory service by nomination be regarded by influential sections of the native community in your province ?

Q. 18. How would a system of nomination to be followed by a period of probation be regarded by the same classes ?

A. 17, 18. It is difficult to answer this question, as different meanings are attached to the term 'influential sections of the native community.' On the whole, however, the system will continue to be regarded by all influential sections of the community with a feeling of disfavour and dissatisfaction, except by those individuals indicated by me in my answer to the first question. The military and aristocratic classes dislike a position of inferiority and inequality even more than the other classes, which is likely to deepen more and more by time. The feeling will be much the same whether nomination is followed by a period of probation or not.

Q. 19. Would a system of nomination, with or without probation, be likely to secure well-qualified persons ?

Q. 20. Has experience actually shown such a system to secure well-qualified officers ?

A. 19, 20. A system of nomination with or without probation will never, as a rule, be likely to secure well-qualified persons, and the likelihood is sure to continue to diminish with time. I do not deny that occasionally not only qualified persons, but exceptionally superior persons, may turn up even under the worst system of nomination. We all know how even in the Anglo-Indian Service in the days of the grossest jobbery and

patronage, even a few great men, or men who turned out great, were unwittingly nominated. But as a rule, the system would not succeed. And the difficulties of a system of nomination for the purpose in question are greater in India even than in England, inasmuch as English authorities are necessarily obliged to rely and act upon second-hand information, and upon very imperfect knowledge of the relative positions of people in native communities and the circumstances and tests by which they are regulated. English people hardly realize to what extent their knowledge is thus imperfect, and their information is unreliable, and even positively misleading. I believe these observations are justified by actual experience of the working of the system, at least in this Presidency.

Q. 21. Do you consider that nominations should be confined to persons of proved merit and ability?

Q. 22. If so, how do you consider that merit and ability should be held to have been proved for this purpose?

Q. 23. How would a system of limited competition amongst persons nominated for this purpose by the Local Governments or by the Universities, or by those authorities concurrently or alternately, be regarded?

A. 21—23. I have partly answered these questions in my reply to question No. 7. In the view I have ventured to present of the character of the Statutory system, it is useless for me to answer these questions further. I may be permitted to point out, however, that different significations have been attached to the words 'persons of proved merit and ability' by the Secretary of State for India and the Viceroy in Council at different times.

Q. 24. In preference to either of the above systems (nomination and limited competition), would a system of open competition pure and simple for the Statutory Service commend itself to the native community?

Q. 25. If competition (whether limited or open) is preferred, should there be one competition for all India or separate competitions in each province?

Q. 26. If there were only one general competition, how would you ensure a due proportion of appointments falling to the population of the several provinces?

Q. 27. Having regard to the varying educational standards reached in the several provinces, and the varying conditions prevalent therein, is it possible to have any one system of selection for all India which would not result in the inhabitants of some provinces being more or less excluded from a due share of appointments?

Q. 28. Under any of the three systems of nomination, limited competition and open competition, would you prescribe any tests of preliminary qualifications on the part of nominees or candidates in regard to (1) age, (2) intellectual capacity, (3) moral, social, and physical fitness?

Q. 29. If so, what should be the tests under each of the heads specified?

Q. 30. Do you consider that (after selection whether by nomination or competition) there should be a period of probation?

Q. 31. If so, what should be the duration of the probationary period?

Q. 32. Should the period of probation be passed in the ranks of the Uncovenanted Service, or of the Covenanted Service, or in what other manner?

Q. 33. Do you consider that after selection and before entering on probation (or on duty) the person selected should undergo special training?

Q. 34. If so, should the special training be carried on in India or in England?

Q. 35. If in India, would it be possible, and, if possible, advisable, to establish an India Civil Service College on the basis of the Haileybury College which formerly existed in England?

Q. 36. If you do not consider special training in England essential, would you encourage nominees or selected candidates to visit England with a view to add to their qualifications for the service?

Q. 37. If so, what form should such encouragement take ?

Q. 38. Should it be offered before, or during, or after the probationary period, if any, through which nominees or selected candidates may be required to pass ?

Q. 39. Should it be offered before or after the nominees or selected candidates enter on their duties ?

A. 24—39. The assumption upon which these questions are based is to me so regrettable to contemplate that I beg to be excused from attempting to answer them even hypothetically.

Q. 40. Are you in favour of the establishment of scholarships tenable by natives in England for the purpose of enabling them to qualify for the Civil or Statutory Service ?

Q. 41. If so, how would you connect such a scheme with selection of natives for employment in the higher administrative posts in India ?

Q. 42. Do you think that any distinction should be made between the emoluments of nominees or selected candidates who have been trained in England or have gone to England to add to their qualifications and those who have not ?

Q. 43. If the opportunity of residence in England at a University for two years with a sufficient allowance were offered to nominees or selected candidates, is it likely that it would be taken advantage of to any great extent ?

A. 40—43. I consider the existence of the Statutory Service to be of so disastrous and retrograde a character for the true interests of the peoples of India, that rather than that it should be retained, I should be in favour of the foundation of numerous scholarships—and they would have to be very numerous indeed—tenable by natives in England for the purpose of enabling them to qualify and to compete for the Covenanted Civil Service, provided these scholarships were not bestowed by any system of nomination of any kind or sort whatever, but by free and open competition in India.

Q. 44. If the system of examination in England were revised with the result that natives availed themselves of it in considerable numbers, would it still be necessary to retain the Statutory system?

Q. 45. If so, to what appointments or classes of appointments would you restrict the latter system, and what conditions over and above those already existing would you impose?

A. 44, 45. No, but I do not think that such a revision as is put in the question is very feasible. I should certainly not be in favour of lowering the standard or character of the examination.

Q. 46. Is competition of natives in the examination in England favourably looked upon by large and important classes in India?

A. If the question refers, as I suppose it does, to an examination held in England, I believe competition for such examination in England has more and more come to be regarded with disfavour. Among numerous other causes, it is come to be considered that there is more or less risk in sending youths at an early age to England where it is very difficult to secure for them safe guidance, control and supervision.

Q. 47. Should additional facilities be given to natives for proceeding to England and entering the Indian Civil Service by the channel of the English competition?

Q. 48. If so, what forms or form should such facilities take?

Q. 49. What conditions, if any, should be attached to them?

A. 47—49. I do not think that any additional facilities that could possibly be suggested would prove satisfactory or meet the real demands of the question.

Q. 50. What is your opinion as to giving Statutory appointments to natives who, though they may have failed to secure a place amongst the successful candidates, have shown merit in the English competition?

Q. 51. Assuming it to be advisable to appoint to the Statutory Service in India natives who have failed in the English competition, should such persons receive the same training as successful candidates in England, and be subject to the same final examination?

Q. 52. Should they on appointment to the Statutory Service in India be subject to the same incidents as apply to other persons appointed under the Statutory Rules?

A. 50—52. If such a thing were generally done, it would still further degrade the Statutory Service.

Q. 53. Can you say what number of natives belonging to your province have presented themselves annually at the competitive examination in England, and what degree of success they attained?

A. I believe one Hindu, one Mahomedan, and three Parsis have hitherto succeeded in passing the competitive examination in London from this Presidency.

Q. 54. What class or classes of natives in your province readily go to England?

A. Parsis come first, then Mahomedans, then Hindus.

Q. 55. Are objections entertained to going to England; and, if so, what are they, and by what classes in particular are they felt?

A. 55. All the classes have two objections in common —first the great expense, and secondly, risk attendant on a visit to England, especially for young lads, in consequence of the circumstance mentioned in my reply to questions 44, 45. Hindus have a special objection on the score of caste and religion, but it is gradually wearing away.

Q. 56. Should the examination for natives in England be distinct in standards and conditions from that for English candidates, or should there be one and the same examination for all?

A. 56. I know of no reason or justification for such a proposal or suggestion. I should be strongly against

any such distinction, as all other distinctions regarding free and fair competition between natives and Europeans.

Q. 57. If the standards and conditions were different, how would it be possible to compare the results in the two examinations so as to bring out one list in order of merit?

A. It would in my opinion be practically impossible.

Q. 58. Would it under such circumstances be desirable to allot a fixed proportion of appointments to each of the two examinations?

A. To do any such thing would be as undesirable as the circumstances contemplated.

Q. 59. If a fixed proportion of appointments were allotted for a native examination in England, do you consider that in view of the objections against a voyage to England and life there, the cost thereof and the chances of failure, a sufficient number of suitable candidates from your province would be available to make the competition a real competition?

Q. 60. If the examinations were distinct, what should be the limits of age for the native examination?

Q. 61. What should be the conditions, nature, and subjects of the separate native examination?

A. 59—61. My answer to this is involved in the above answers.

Q. 62. Assuming only one examination in England for both English and native candidates, do you consider that the subjects and standards of examination and the conditions as to age and other matters in any respect place native candidates at a disadvantage as compared with English candidates?

A. They certainly do.

Q. 63. If so, in what respects are native candidates placed at a disadvantage, and what alterations would you recommend with a view to remove that disadvantage?

Q. 64. If there should be only one examination for all candidates, should the limits of age for natives be higher than those at present fixed for European candidates

and, if so, what should the limits for native candidates be ?

A. 63, 64. The present limit of age is one of the most important of the circumstances which have placed natives at a disadvantage. It has gradually operated as almost prohibitive, so far as native candidates are concerned. This has been shown conclusively by the late Viceroy the Marquis of Ripon in his minutes of the 26th September 1883, and 10th September 1884, and it is needless to do anything further than to refer to them for the reasons and causes of this prohibitory operation. Another circumstance which has placed native candidates at a disadvantage is the value assigned to subjects connected with oriental history, languages, and literature as contrasted with that assigned to Greek and Latin. The limit of age for both natives and Europeans should be the same, and what that limit should be cannot be more effectually stated than in the words of his Honour the present Lieutenant-Governor of the Punjab, Sir Charles Aitchison. 'I would have the maximum limit of age fixed at 23; for I believe that the nearer we can return to the position of 1854' (that adopted on the recommendation of Lord Macaulay's Committee) 'the better will it be for the country, the more just to the people, and the less need there will be to have recourse to the Statutory arrangements, which, if defensible at all, are only defensible as a temporary means of admitting natives of India to appointments now practically closed to them by the present rules for the open competition.'

Q. 65. If higher limits of age were fixed for native than for European candidates, might not the latter complain that they were placed at a disadvantage ?

A. They might.

Q. 66. What is the average age at which natives at the Indian Universities pass the examinations for F.A., B.A., and M.A., respectively ?

A. There is no F.A. examination in the Bombay University. The average age at which our students

take their B.A. Degree, I believe, ranges from 20 to 22, and their M.A. Degree two or three years later.

Q. 67. From what classes of native society are the persons who graduate at the Indian Universities usually drawn in your province?

A. From the middle classes of the Parsi and the Hindu communities. Mahomedans have recently commenced to come in, in larger numbers than before, and a strong desire is growing up among them to advance in the path of education.

Q. 68. Do you advocate a competition in India for the Civil Service simultaneously with the competition in England, the same question papers being used at both examinations?

A. I advocate very earnestly a competition in India for the Civil Service simultaneously with the competition in England, the same question papers being used at both examinations. I have given my reasons in detail for so advocating the measure in the paper annexed hereto (*Journal of the East India Association*, Vol. V. No. 1). It is the only course consistent with a sound and far-sighted political policy, without which the pledges given by the Crown and Parliament will never be fairly or adequately fulfilled. Political danger there is none in adopting it; and it is again the only course which will secure full administrative efficiency, for it will bring into play in the best manner the knowledge which comes naturally and intuitively to a native, of native, feelings and modes of thought; and the inability to grasp and comprehend, which so often neutralizes the highest talents and accomplishments of Englishmen. In advocating this measure, I would suggest safeguarding it in three ways: (1) I would insist upon the successful candidates proceeding to England, and spending there their probationary two years in further qualifying themselves for the service. I consider it preferable that the stay and training in England should be subsequent to the competition than prior to it, because I do not think that

natives of India should be entirely Anglicized and their distinctive nationality lost and submerged in Anglicism, as would be more or less the case if they stayed and were trained in England at too early an age. I would however have them thoroughly familiar, almost saturated, with English thought and culture, so as to be properly qualified and fully equipped to act their part in an administration which must be guided by the principles of English civilization and culture. (2) I would raise the maximum limit of age to 23, so as to secure, not precocious boys, but young men well grounded in English culture. (3) And thirdly, I would raise the character of the examination as high as possible in the direction of requiring a thorough acquaintance with English literature, history and science, such as will secure both a high moral and intellectual training. And I would be prepared in such a scheme of examination to be satisfied with having a comparatively much lower value placed upon aknowledge of oriental languages and literature.

Q. 69. How would this method of selection be regarded by the native community generally ?

A. I believe this method of selection is likely to be regarded with satisfaction by the native community generally.

Q. 70. If you advocate such a system, would you restrict the competition in India to natives, and that in England to English candidates, or would you admit both classes freely to either examination ?

A. I would admit both classes freely to either examination.

Q. 71. If native candidates were admitted to the competition in England, while English candidates were excluded from the competition in India, on what grounds could this distinction be justified ?

A. I do not think the distinction could be justified.

Q. 72. Do you consider that the educational institutions available in India are at present capable of giving

the very high-class education which it was the object of the competitive system as introduced in 1885 to secure?

A. I do not consider that the educational institutions in this Presidency are at present capable of giving the very high-class education in question, but I think they are fairly progressing towards it, and the demand which would arise in case competitive examinations were held in India as stated by me, would give this tendency a further strong impetus.

Q. 73. Would an open competition in India be likely to give decided advantages to any particular class or classes of the native community over others?

Q. 74. Would it be likely to lead to the undue preponderance of any one class or caste in the public service?

A. 73, 74. For a time the Parsis and those classes of the Hindus among whom education has already made considerable progress, may have some advantage over the Mahomedans and what are called the backward classes among Hindus. So far this may lead to a preponderance of the members of the former classes over those of the latter. But this preponderance cannot be designated as undue. Education and training have always been recognized both by the aristocratic as well as the backward classes, and by Mahomedans in relation to Hindus, as giving a legitimate right to employment in the public service. It has not been resented in the past, and I do not think it will be in the future, except to the very desirable extent of creating that healthy and stimulating sort of jealousy which may be potent in drawing the classes I have named towards the path of improvement and education.

Q. 75. Do you think there are any objections on political or administrative grounds to open competition in India?

A. No political measure can claim to be perfectly free from all objections, but I believe the proposed system of open competition in India is free from objections

on political or administrative grounds. The fear that natives will inundate the service is not justified by the reasonable probabilities of the case. I do not believe that if the maximum limit of age is raised to 23, and the character of the examination raised and strengthened in the direction indicated by me above, native candidates will be able to beat their English competitors in any very large numbers for a long time to come. As to the jealousy between the different classes of the Indian people I have stated my view above. I do not believe that there will be any such jealousy or resentment as would constitute a political danger. As to objections on administrative grounds, I do not think there are any which cannot be obviated by administrative arrangements, as for example, with respect to officers who may be required for Frontier Districts. I would much prefer natives of one province appointed to serve in another.

Q. 76. Would the introduction of an open competitive examination in India have the effect of deterring cadets of leading families from aspiring to enter the ranks of the Civil Service?

A. Up till now, 'cadets of leading families' have seldom aspired to enter the ranks of the Civil Service. If the introduction of an open competitive examination is likely to have any effect upon them in the future, it will not be a deterrent, but of a stimulative character. It will be remembered that in India, leading and aristocratic families have always been recruited to a considerable extent from people of the lowest ranks and positions in life as soon as they have forced themselves into power.

Q. 77. Under such a system how would it be possible to provide against natives of a province in which education is comparatively backward being excluded from appointments in their own province?

A. I have partly answered the question above. I would trust to the influence of time, and if necessary, afford educational encouragement and facility to enable them to qualify themselves for the service.

Q. 78. Would a system of provincial examinations be preferable to one examination for the whole of India?

A. One examination for the whole of India would be preferable.

Q. 79. Under a system of open competition in India, would the successful candidates be regarded as occupying a position inferior to that of persons who enter the service through the channel of the open competition in England?

A. No; as the competition, though held in two different places, will be a common competition.

Q. 80. Supposing that the Covenanted appointments were allotted in fixed proportions, a certain number to be obtained by competition in England and a certain number by competition in India, the examinations in each case being open on fairly equal conditions to native and English candidates alike, and the Statutory system being abolished, how would such a system be viewed?

A. The system will be viewed as objectionable, as there would not be equal and common competition.

Q. 81. If an open competition were established in India, what should be the preliminary qualifications required on the part of candidates in regard to age? *and*

Q. 82. In regard to minimum educational attainments? *and*

Q. 83. In regard to moral, social and physical fitness? *and*

Q. 84. In other respects (if any)?

A. 81—84. The maximum limit of age should, I think, be 23. The limit of minimum educational attainments should be so framed as to ensure in the lowest successful candidate a thoroughly broad and liberal education of the character indicated by me in my previous replies. The usual certificates required by the University, for example, of moral character and respectability, may be demanded. With regard to physical fitness, such an examination as at present the candidates for the competitive service have to undergo, would, I think, suffice.

Q. 87. Circumstances being different in the case of persons who enter through the examination in England and of persons who enter through the examination in India, is there any reason why the rules in regard to pay, leave, pension, &c., should not also be different?

A. I should say as a matter of principle, that the same service should be remunerated in the same way, whether rendered by a native or a European.

Q. 88 Should successful candidates go through a period of special study in India like the English candidates who spend two years in special preparation? *or*

Q. 89. Would it be preferable (*a*) to require them to go to England, or (*b*) to give them the option of going to England, suitable allowances being given to enable them to prosecute their studies there?

A. 88, 89. It would not only be preferable, it would be necessary to require the successful Indian candidates to go to England.

Q. 90. Should successful candidates at the Indian competition be required to pass through a probationary period before final appointment?

Q. 91. How should it be passed—in the ranks of the Uncovenanted Service, or otherwise?

A. 90—91. I think successful candidates should be required to go through a probationary period before final appointment, such probationary period to be passed in England.

Q. 92. If so what shall be the duration of the probationary period?

A. The duration of the probationary period should be about two years.

Q. 93. What special provision, if any, do you think should be made for the appointments to Covenanted posts of deserving members of the Uncovenanted Service?

Q. 94. If such appointments are made, should they be restricted to the holders of any particular classes of

appointments in the Uncovenanted Service, and if so, what classes?

A. 93, 94. Clauses 3 and 4 of 24 and 25 Vict., C. 54, are, I think, sufficient for the purpose.

Q. 95. Should persons so appointed be appointed provisionally and be required to pass through a period of probation before final confirmation?

A. Yes.

Q. 96. Should provision be made for the appointment of qualified members of the Uncovenanted Service to the *higher* Covenanted offices without requiring them to pass through the lower grades?

A. I do not think any such provision should be made.

Q. 98. Should special provision be made for the promotion to Covenanted posts of European members of the Uncovenanted Service?

Q. 99. Should special provision be made for the promotion to such posts of Eurasian or other members of the Uncovenanted Service who, though not natives of pure descent, fall within the meaning attached in the Statute of 1870 to the term 'Natives of India'?

A. 98, 99. If a simultaneous competitive examination be held in India, then I think no special provisions should be made.

Q. 100. Ought not the Uncovenanted Service equally with the Covenanted Service, to be open to all natural-born subjects of her Majesty who possess the qualifications that may be from time to time prescribed?

Q. 101. If the Uncovenanted Service is closed to any natural-born subjects of her Majesty, on what grounds, bearing in mind the terms of Acts of Parliament and her Majesty's Proclamation of 1st November, 1858, is this to be justified?

A. 100, 101. If the pledges of equality given in Acts of Parliament and her Majesty's Proclamation of 1858 are fairly redeemed by holding simultaneous competitive examinations in England and India, then I think that the

Uncovenanted Service, equally with the Covenanted Service, should be open to all natural-born subjects of her Majesty who may possess the prescribed qualifications. If, however, the Covenanted Service is wholly or partially, practically closed to the natives, then there is justification for restricting the admission into the Uncovenanted Service to them. There is another ground also for carefully guarding the admission of Europeans to the Uncovenanted Service, inasmuch as the patronage being in the hands of European authorities, it is more than likely to be abused and exercised unduly in their favour.

Q. 121. How far is the existing system of education in the higher schools and colleges in India well adapted for training young men to the public service? Can you suggest any improvements?

A. I would suggest a few residential high schools and a residential college.

Q. 122. In 1854 Lord Macaulay's Committee were of opinion that the best, the most liberal, and the most finished education to be procured in England was a necessary qualification for admission to the Civil Service. Do Indian schools and colleges at present supply an education of so high a standard?

A. Not quite, but they are capable of developing into institutions imparting a very high-class education.

Q. 123. Do you consider that Indian schools at present develop the force of character and other qualities required for English administration?

A. Very fairly.

Q. 126. How far would any system of appointment which involves a journey to, and residence in, England, be regarded by the native community as open to objection on the ground that it requires Hindu candidates to abandon their caste as a condition of entering the Civil Service?

A. There is such an objection, but it is not now of a very pronounced character, as readmission to caste is rendered very easy.

Q. 130. Does a voyage to, or residence in, England involve the loss of social position or other unfavourable consequences in the case of any section of the native community?

A. A voyage to or residence in England does not involve the loss of social position; it rather improves it.

Q. 131. Does it result in placing those natives who undertake it more or less out of touch and sympathy with their fellow-countrymen on their return to India?

A. Hardly at all.

Q. 132. Would the requirement of a temporary residence in England as a condition precedent to, or following on, appointment to the Government service have the effect of excluding from such appointment any considerable or important section of the native community?

A. I do not think that the requirement of a temporary residence in England as a condition following on appointment to the Government service would have the effect of excluding from such appointment any considerable or important section of the native community.

Q. 133. If the Statutory system is discontinued, should special provision be made for the appointment to Covenanted posts of natives who, for religious or other sufficient reasons, are unable or unwilling to undertake a journey to, and residence in, England?

Q. 134. If so, what provision should be made for this purpose?

A. 133, 134. I do not think so.

Q. 135. If the Statutory system is discontinued, do you consider that special provision should be made for the appointment to Covenanted posts of capable members of the professional classes?

Q. 136. If so, what provision should be made for this purpose?

A. 135, 136. I do not think so.

Q. 137. Whatever system or systems may be adopted, ought power to be reserved to Government to appoint

to Covenanted posts candidates of high family subject to such antecedent guarantees of fitness as may be considered sufficient in each case?

Q. 138. Ought similar power to be reserved to Government to appoint to Covenanted posts persons who have proved their merit and ability in Government service, or in the exercise of a profession, without preliminary examination or competition?

Q. 139. If a thorough knowledge of English were made an essential qualification for appointment to Covenanted posts, would the field of selection in the case of persons already in the Uncovenanted Service, or engaged in the exercise of a profession, be unduly limited thereby?

Q. 140. If such is likely to be the case, could the difficulty be obviated by requiring proficiency in the English language to be tested by periodical examinations *after* selection, but during a probationary period?

Q. 141. Should provision be made for the occasional appointment in very special and exceptional cases to Covenanted posts of persons of known ability and local influence whom, although they may never have held office and may not possess special professional qualifications, and although their age may exceed the limit laid down for untried candidates, it might nevertheless be considered desirable to appoint to the higher grades for political or other reasons?

A. 137—141. I should consider such a power very objectionable and liable to abuse.

Q. 142. Would it be desirable to rule that the proportion of persons being Hindus and Mahomedans, respectively, who are from time to time or over a series of years appointed to the Covenanted ranks in any province should bear a certain relation to the number of the two classes composing the population of the province concerned?

A. I do not think so.

Q. 144. How far should appointments in each province to Covenanted posts be restricted to natives of the province concerned?

A. To no extent at all.

Q. 145. How would the following scheme be regarded by the native community ?—

(1) the Covenanted Civil Service to be reduced to a fixed number of European officers, admission being by competition in England confined to European candidates only ;

(2) the appointments taken from the Covenanted Civil Service to be filled by appointment in India, natives only being eligible.

A. This scheme would be viewed with dismay and alarm, and sooner or later lead to political disaffection.

Q. 146. How would you regard such a scheme ?

A. I would regard it as a grave political blunder.

Q. 147. How would the native community regard the following ?—

(1) the Covenanted Civil Service to be reduced to a fixed number of appointments to be filled by competition in England to which natives and Europeans alike would be admitted :

(2) the appointments taken from the Covenanted Civil Service to be filled by appointment in India, both natives and Europeans being eligible.

A. Such a scheme would be viewed with great dissatisfaction.

Q. 148. How would you regard such a scheme ?

A. I would regard it as calculated to shut out the natives from the Covenanted Civil Service on the one hand, and to give an undue share to Europeans in the rest of the Civil Service.

Q. 149. If either of the above schemes were adopted, how would the native community view a proposal to combine the higher appointments of the Uncovenanted Service with the appointments taken from the Covenanted Civil Service so as to form an enlarged Civil Service to be recruited in India ?

Q. 150. How would you view such a proposal ?

A. 149, 150. The proposal would create grave dissatisfaction.

Q. 151. How would the native community regard the following scheme?—

(1) a certain number of appointments in the Covenanted Civil Service to be reserved for natives;

(2) a certain proportion of that number to be filled by competition or by some other system in India;

(3) the remainder to be filled by competition in England.

Q. 152. How would you regard such a scheme?

A. 151, 152. With dissatisfaction.

SPEECH ON SIR W. WEDDERBURN.

[*At a public meeting of all classes of the Indian community, called by the Sheriff, held on the 30th April, 1887, in the Bombay Town Hall, for the purpose of marking their esteem and admiration for Sir William Wedderburn, Chief Secretary to Government, on the occasion of his retirement from the public service; Sir Jamsetjee Jeejeebhoy, Bart., presided, and the Hon'ble Mr. K. T. Telang proposed the first Resolution, which ran as follows :—'That this meeting desires to give expression, on the occasion of Sir William Wedderburn's retirement from the public service, to the deep esteem and admiration in which he is universally held for the sincere, enlightened and generous sympathy with everything affecting the true interests of this country, and for his constant and fearless efforts to promote them to the best of his power.' Mr. Pherozeshah M. Mehta seconded the resolution and made the following speech.*]

Mr. Chairman and gentlemen,—We are met here to-day to record formally the name of William Wedderburn in the list of those noble and illustrious Englishmen whose names are cherished in the hearts of the people of this country with respect, with admiration and with gratitude. (Cheers.) It is said that we, the people of the Presidency towns, do not represent the voice of the country. The editor of the *Times of India* told us the other day that out of fifty members of the Council of the Bombay Presidency Association, not two had probably any personal acquaintance with the economy of an Indian village. Well, gentlemen, it is difficult, or rather, it is not difficult, to guess where he got this wonderful piece of information. (Laughter.) But, gentlemen, I confidently assert that in giving expression to our grateful feelings for Sir W. Wedderburn we are giving expression, not only to the feelings of the people of this city, but also of the whole Presidency, of its princes and people, high and low, of town and village. (Applause.) I do not think it will require many words from me to show why it is that Sir W. Wedderburn has come to be regarded with such sincere sentiments of regard and esteem. The ordinary answer, gentlemen, is that he is a true friend of the natives of India. (Cheers.) But nowadays

there is not a single Englishman who does not claim or profess to be a true friend of the natives, from the district officer who overflows with love and sympathy for the masses so long as they remain uneducated and sing his praises as their *ma-bap* (laughter and cheers) to the liberal Englishman who would gladly give the native the benefit of his liberal principles, but that he is firmly persuaded they would disagree with him. Gentlemen, Sir W. Wedderburn is not a friend of the natives of India of this stamp. (Cheers.) He is not a friend whose friendship is tainted with the selfish prejudices of bigotry. He is not a friend whose friendship is affected by the arrogance of a narrow superiority, not founded on the individual merit, but on racial difference. (Loud cheers.) He is not a friend whose friendship administers only homœpathic doses, lest any larger dose would do us harm. (Laughter.) We count Sir W. Wedderburn among the true friends of this country, because he has given loyal and sincere adhesion to those principles of justice and righteousness on which the declared policy of the Crown and Parliament for the Government of this country is founded. His great abilities, culture and clear intelligence have convinced him that these are the only principles on which this country can be safely and beneficially governed, and he has the moral intrepidity to act up to these convictions in spite of censure, abuse or ridicule. (Cheers.) Add to this, gentlemen, that this moral intrepidity is ennobled by a true-hearted sympathy for all the best interests of this country. This it is that has enabled him to have a deeper and truer insight into Indian questions where even men of higher intellects or greater culture have utterly failed or groped in the dark. As only one instance, you will remember, gentlemen, that it was he who saw that people who were reviled as disloyal sedition-mongers were among some of the most loyal and true friends of the British Government as they have now come to be acknowledged. (Cheers.) Gentlemen, the retirement of Sir W. Wedderburn is a great

loss to this country, how great it is some of us know. His place will not be easily filled. But we have this consolation that it is not improbable that he will take his rightful place in the councils of his own country, that he will enter Parliament, where his great abilities and rare qualities cannot fail to be of the greatest use to the common interest of both the countries with which he is so intimately connected. (Cheers.) Gentlemen, if I were asked to point out the one living Englishman who would most worthily and usefully sit in Parliament as the member for India, I would unhesitatingly give the name of Sir W. Wedderburn, and I am sure that my choice would be endorsed not only in this Presidency but in the whole country. (Loud and continued applause.)

SPEECHES ON THE CITY OF BOMBAY MUNICIPAL BILL.

[*At the meetings of the Provincial Legislative Council held at Bombay, on the 7th March, 1888, and the following days, with His Excellency Lord Reay as President, the Hon'ble Mr. Pherozeshah M. Mehta made the following, among other, speeches on the City of Bombay Municipal Bill.*]

On the Second Reading.

Your Excellency,—The Bill before the Council is of such great importance, as well as of such great local and general interest, and it is so likely, if passed into law, to enjoy a tenure of some permanency, that I think it desirable that I should state the reasons for which I find myself able to vote for its second reading. I believe there are still several objectionable features clinging to it in emerging from the operation which it has undergone at the hands of the Select Committee. But I have great faith in the liberal tendencies of your Lordship's Government and I am extremely hopeful that the detailed discussion in Council will succeed in removing a great many of these objectionable features. The Bill has been introduced for the purpose of accomplishing two main objects. One of them is the consolidation of the several Municipal enactments relating to Bombay spread over the statute book, and the arrangement of the different provisions on a logical and systematic method. With regard to this object, I think your Lordship's Government may well congratulate themselves on the excellence and thoroughness of the work done in this respect by the honourable member in charge of this Bill. I should have preferred to have left it to so many honourable members whom I see before me infinitely better qualified than myself to speak on this point. But I have had practical experience of the difficulties and inconveniences of the present state of the Municipal law in regard to order and arrangement, and I have had the opportunity of closely and minutely studying the Bill when in Select Committee. I think it is therefore not inappropriate

that I should bear my testimony, for whatever it may be worth, to the success with which the task of consolidation and arrangement has been performed. Such a work required great ability and great industry, and both seem to me to have been unsparingly bestowed to make it as complete as possible. I anticipate, my Lord, great benefits and advantages from it in the way of easily understanding and working the law. But, my Lord, I should have unhesitatingly sacrificed all these benefits and advantages if the Bill was to pass as originally framed and introduced in Council, for in its orginal form I could not but regard it as a distinctly retrograde measure. I am aware that this description of it is disputed. But that it is a true and correct description can, I think, be shown without much difficulty. The constitutional portion of our Municipal law is rightly considered to be its most important portion; it is the keystone of the whole arch, for, however excellent and elaborate the other provisions, they would be useless unless the forces to work them were properly and judiciously organized. Now it can be affirmed, without fear of serious contradiction, that the constitutional lines on which our Municipal administration has been carried on since the present Act was passed, have been these:—That the Corporation, with the help of the Town Council, was the supreme administrative body, with the Commissioner as its sole executive officer invested with full executive power and responsibility, that the Corporation had the fullest control over the budget, which it exercised not simply generally, but by constant criticism and supervision, and in a way to bring home to the Commissioner that he was constantly responsible to the Corporation for the due discharge of his duties. Whether fully or clearly expressed in the Act or not, these have been the lines on which the Municipal administration of the last fifteen years has been conducted. If we may judge from the debate that took place in Council on the Bill of 1872, something like this was intended by its framers. In the

somewhat animated debate that took place on the third reading of that Bill, Mr. Rogers, then one of the members of the Executive Council, explained that 'a great deal of the mistrust as to the power of the Municipal Commissioner has, I think, arisen from the wording of section 42, but the words "executive power and responsibility for the purposes of this Act shall be vested in the Commissioner" do not mean to imply that he can do as he likes. He is simply the executive officer of the Corporation, who must provide him with the necessary funds.' The measure of 1872 was brought in because the previous constitution provided by Act II of 1865 has signally broken down. And when I say that the present Bill in its original form was a retrograde measure, what I substantially mean to say is that it went back to the discredited principles of 1865, in regard to the position of the Commissioner in the constitutional scheme. The statement of the constitutional principles of the Bill bears a remarkable resemblance to the statements of the principles of the Act of 1865. It is clear from the statement of objects and reasons as well as the speech of the honourable member in introducing the Bill, that its object and intention was to place the Municipal administration of the city in the hands of the Commissioner, controlled only generally by the power of purse given to the Corporation. It was frankly admitted by the honourable member, in the discussion in the Select Committee, that it was intended the Corporation were to have no powers of criticism, initiation, or supervision, and that after the Budget grants were sanctioned, the less they met and talked the better. It is impossible not to be reminded by this account of the constitutional scheme of the Bill, of the striking resemblance it bears to the account given of the constitutional scheme of the Act of 1865. The Hon'ble Mr. Cassels, who introduced the Bill of 1865, described the Municipal constitution that was to be created by it in the following words :—'This Bill vests

all Municipal property in Bombay in the Bench of Justices, which is for this purpose made a body corporate, having perpetual succession and a common seal. The Justices will, therefore, exercise complete control over the Municipal fund, and the Commissioner will annually submit to the Bench a Budget of estimated receipts and disbursements which the Bench may alter or modify as they deem fit, and after the Budget has been voted, no new works are to be commenced by the Commissioner without further orders from the Bench. In this manner the Justices will hold the purse strings, and will exercise a minute supervision over the details of all income and expenditure; but they will not be allowed so far to interfere with the responsible executive officer as to order any works to be undertaken which he has not first proposed, the initiative in this respect being reserved for the Commissioner. But should the Commissioner not faithfully and energetically perform his duties, he can at any time be removed on a suitable representation from the Bench.' This passage may well be accepted as a brief *resume* of the constitutional features, and the arguments in their support, of the present Bill as originally introduced. Thus I think it cannot be gainsaid that so far it must be regarded as a retrograde measure, endeavouring to go back from the principles of the legislation of 1872 to those of the legislation of 1865. Now, my Lord, I am ready to admit that it may be wise sometimes to retrace steps in the light of experience. Then, let us see how the constitution on the lines described by Mr. Cassels worked in actual practice; how the power of the purse was sufficient to restrain the Commissioner. Every thing was done to secure it a fair trial. One of the ablest officers of the Bombay Civil Service was appointed Commissioner. The Bench was at the time composed of some of the wealthiest, the most educated, and the most enlightened members of the Bombay community, European and native. And what was the result? I believe some at least of the honourable members of this

Council cannot have forgotten the intense excitement in which the whole city was thrown in 1871 by the complete and, according to some, most disastrous financial break-down of the system. I well remember the great meetings that were held in the Town Hall to consider the situation, and the sensation that was created when the chairman of the Finance Committee of the Bench, Mr. Hamilton Maxwell, got up and announced that the Municipality was bankrupt! I was one of those who in those days, at the risk of incurring some unpopularity or rather the certainty of it, tried to obtain recognition of the services which the Commissioner had undoubtedly performed; but, after the enquiries made by Mr. Hope's Committee, it was impossible to deny that the system had ended in a complete financial failure, and that it was abundantly established that the general power of the purse and the control of the Budget had by themselves proved utterly impotent to hold the Commissioner within legal bounds, and to restrain him from bringing the city to the very brink of bankruptcy. Such was the proved result of the legislation of 1865 after a trial of six years. Let us now turn to the results of the legislation of 1872, with an elected Corporation and a Commissioner, no longer its master, but its servant, after a trial now of fifteen years. The Council need not be alarmed that I will detain it by a repetition of the numerous acknowledgments of its signal success, elicited from all quarters, and especially from the successive heads of this Government, as well as of the Government of India. The Honourable Mr. Naylor has himself fully admitted it. But he seems to labour under the impression, which I know is popular in some quarters, that the credit of this success is mainly due to the Commissioner. 'The great success of the administration of the last twenty years,' said the Honourable Mr. Naylor in his introductory speech, 'is, no doubt, very largely due to the fact that the entire executive power and responsibility have been vested in the Commissioner, who is an officer

specially selected by Government for this very important and difficult post.' The true history, however, of this success is very different. We have seen that the result of the administration of the first six years was failure and disaster brought about by the exceptionally able officer selected by Government to wield the entire executive power and responsibility. With regard to the last fifteen years, I emphatically say that the success has been due to the fact that the Corporation has exercised constant control, criticism, and supervision, and, in many important matters, to their direct initiation. I am aware, my Lord, of the charge not unfrequently made against the Corporation, of more talk than work. I cannot help saying that nothing can be a more superficial view of the matter. It may be quite true that we sometimes do talk a certain amount of nonsense, but where on earth is the body or assembly free from this failing? And is it not that it is generally after wading through a certain amount of confusion of thought and knowledge that you ultimately arrive at sound and practical conclusions? The success of the municipal administration for the last fifteen years is, in spite of its alleged talking proclivities, due to the Corporation in three ways :—1st, it has prevented the Commissioner from embarking on hasty, ill-considered and inappropriate schemes by its constant criticism. The fear of this criticism, reasonable and unreasonable, has done more useful negative work than is generally known or imagined. Secondly, it has introduced great reforms in the executive departments. And thirdly, it has directly initiated great undertakings for the improvement and sanitation of the city. I will mention only two or three of the most prominent instances. The re-organization of the Assessment Department has been justly recognised as one of the most important events of Mr. Ollivant's administration bringing a very large increase of revenue. Now it is not generally known that this re-organization was forced on the executive by the action of the Corporation, led by one

of their members, now unhappily deceased, the late Mr. Goculdas Jugmohundas, whose persistent efforts to expose the shortcomings of the department were at first strenuously opposed. A reform in the Engineering Department was brought about in the same way. The greatest work that the Corporation has yet undertaken—the construction of the Tansa Water Works—was undertaken by it, not at the initiation of the Municipal Commissioner, but of its own members. I could multiply these instances, but I think I have said enough to show that the credit of this remarkable success justly belongs, in the main, to the constitutional scheme under which the Corporation carries on the administration by the hands of its executive officer, constantly and continuously controlling, criticising, supervising, and directing him. To revert from a scheme of such promise and performance to the discredited principles of the Act of 1865 would be a blunder indeed. But I am afraid, my Lord, I have taken up the time of the Council by talking of a dream that is dreamed and gone. Now a change, so to say, has come over the spirit of the dream, and I am glad to acknowledge that the Bill, as it comes back amended in Select Committee, is framed on sound constitutional principles. I can even go further and say that the amended Bill has fully and clearly embodied the principles which were perhaps only timidly and tentatively indicated in the Act of 1872. In my opinion, my Lord, the constitutional part of the Bill is now placed on a satisfactory footing. When I say that, I do not forget that there are several objectionable features clinging to it, as I have said before. The proper time to refer to them in detail will come when the Council proceeds to the detailed discussion of the Bill. But I think, my Lord, I should now refer to two or three of the most important, as they may be said to affect the principle of the Bill. One of the most important of these is contained in section 65, which I consider the keystone of the constitutional part of the Bill. Clause 3(c) of that section gives over the whole

power of the Corporation to the Commissioner in cases of what are called pressing emergency. In the first place, such a provision is excessive, even for the purpose for which it is designed; for it is difficult to conceive any case of emergency in which the Commissioner can possibly require to exercise all the powers of the Corporation,—for instance, that of levying taxes, etc. In the second place, such a provision has not been shown to be necessary by experience; no Corporation would refuse to ratify the acts of a Commissioner in a case of real emergency. The bursting of the Vehar dam is usually cited for the necessity of such a power, but the Corporation immediately sanctioned whatever was required to be done. On the other hand, experience has shown that such a power was liable to extraordinary abuse. It happens that just as there is a case the one way, there is a case the other. I am aware that the power is to be exercised subject to the sanction of the Town Council. Now, my Lord, the Commissioner in 1883 actually got the Town Council to pass this resolution, which I quote from the records of that year: 'That the Corporation be recommended to sanction the payment, from surplus cash balance of Rs. 2,768, to meet the cost of the following works urgently required for the new police quarters at Byculla:—screen wall for women's latrines, Rs. 390; rebuilding boundary wall fallen down at the Jewish Synagogue and forming wall of lean-to sheds, Rs. 544; pavement and drain required for waste water after the cleaning down of fire-engine, Rs. 112; roof to cover way between the main stable, Rs. 685; venetians to Police Commissioner's office, Rs. 127; roofing verandah in front of guard room, Rs. 910; total Rs. 2,768.' I should mention that as a matter of fact the money had already been spent on the ground of urgency. My Lord, I think this shows that such a power is liable to be abused for irregular action. The next most important feature of an objectionable character is contained in section 37, clauses (*u*) and (*v*), and is in reference to the position of the Commis-

sioner in the Corporation. Section 43 of the present Act provides that the Commissioner shall have the right of being present at all meetings of the Corporation, but he shall not be at liberty to vote upon or move a resolution. The Bill, as originally framed, qualified him to be a member of the Corporation for all purposes. This was strongly objected to in the Select Committee, and it was decided to abandon the proviso. But it seems that the majority of the Committee were disposed to poke a little fun at the other members, and after withdrawing the original proviso, they straightway proceeded to present them with a hydra-headed monster; they gave powers in clause (*v*) by which the Commissioner was made into a wonderful embodiment of 72 members rolled up in one. He could jump up immediately a member sat down, to answer him and correct him. But seriously, my Lord, those who have any experience of managing meetings know that such a privilege will be subversive of all order and discipline, and such a Commissioner would be an intolerable nuisance. Then, my Lord, I object most strenuously to the portion of the Bill creating a Deputy Commissioner. It utterly mars the integrity of the constitutional scheme which renders the Commissioner the *sole* executive officer, for the purpose of attaching to him sole and undivided responsibility. If it is made out that there is more work thrown on the Commissioner than he can attend to, the remedy is to give him the necessary assistance in whatever departments he may require it. The creation of a Deputy Commissioner would be only destructive of his proper position and responsibility in the constitutional scheme. These are some of the most objectionable features still surviving, but I trust that the detailed discussion in Council will lead to their elimination. Before I conclude, I should like to say a word as to the proposal of vesting executive power in sub-committees of the Council, with the Commissioner as Chairman. It is said that this proposal was rejected, because the citizens of Bombay were diffident as to their capacity for real

local self-government. Such is not the reason, however. I have been connected with the discussion of this question ever since 1871. In the public discussions of that time, the reformers asked for an executive Town Council. I then ventured to point out that such a remedy would be worse than the disease in a paper I read on the Municipal reform question of 1871 before the Bombay Branch of the East India Association.* The matter was again discussed in 1884 by the Corporation, and again when the first draft of the Bill was sent to it by Government. I took an active part in the discussions on both occasions, and the proposal I have referred to was rejected, not because we were diffident of our capacity for real local self-government, but because it was held that real local self-government did not consist in the direct exercise of executive powers by the Corporation, by themselves or by committees. It is now, my Lord, nearly five years since the Corporation embarked on the enterprise of obtaining a further extension and strengthening of their free Municipal institutions. They were well justified in their ambition, for it is now a matter of history that it was their success that suggested and secured for the whole of India the remarkable development of local self-government that was inaugurated in the time of the late Viceroy. They appointed committees, they worked hard at it themselves, and they sent up representations to Government. At one time matters looked rather gloomy. It seemed as if they were destined to look as foolish as the discontented frogs in the fable who went to pray to the gods for something better than King Log. But the alarm was only momentary. Such fears are now altogether dissipated. With the Bill in its amended form, and I trust it will be further amended in Council, the citizens of Bombay will have good reason to be thankful to your Lordship's Government for a measure which will embody provisions for further extending and strengthening their

*See above, pp. 81—115.

Municipal institutions as wisely and liberally conceded as, I may be pardoned for saying with some pride, they have been richly deserved.

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In moving an amendment that 'Sections 56 and 57 be omitted, together with all references to a Deputy Municipal Commissioner in every other part of the Bill.'

Your Excellency,—I beg to propose the omission of all the sections relating to the creation of the new appointment of a Deputy Municipal Commissioner. Though section 56 is in form an empowering section only, it will not be disputed that the provision is made with the view of its being set in motion very soon after the Bill is passed. The burden of proving the necessity for creating such a place lies on those who bring forward the new proposal. It will be remembered that a Deputy Municipal Commissioner is unknown to the Acts of 1872 and 1878. The short Act of 1885, though general in form, was passed only for a temporary and different purpose, and my honourable friend Mr. Telang, who was then on the Council, was distinctly assured that it was passed without prejudice to the full discussion of the question if it was thought desirable to incorporate such a measure in the Municipal Bill which was about to be drafted. The object of that short Act was to enable Mr. Ollivant to go out of Bombay on special duty, and it was thought undesirable that during a short absence the direction of Municipal affairs should entirely pass into other hands. That object was essentially different from the present one, which is to give the Commissioner a permanent Deputy to assist him in the discharge of his duties while he is fully engaged on the work himself. Such a deputy has been utterly unknown to our Municipal law, and I confess I am not satisfied with the reasons which have been advanced to justify the new measure. The question has been more than once carefully discussed by the Corporation, and on every occasion they came to the conclusion by large majorities that it was undesirable and unnecessary to have a Deputy Municipal Commis-

sioner of the sort now proposed. The sole reason given for providing a deputy is that the work has so increased that a single individual cannot perform it. Now there is a certain haziness about this argument which it were well to bear in mind. I remember the time when such a complaint was first started, but it was in reference not to the legitimate work of the Municipal Commissioner, but with regard to a mass of mechanical and routine work, such as the signing of an enormous number of documents by the Commissioner's own hands, which was legally required to be done by him by the peculiar wording of some of the sections of the Municipal Acts. Up to very recent times that was mainly the complaint. So far as such work was concerned, and a large amount of other work now done by the Commissioner, the Council will remember that the Bill has provided a special and extensive remedy. Section 67 enables the Commissioner to delegate a large portion of his work to subordinate officers, and I will ask the attention of the Council to the long list of sections in respect of which the work can be so delegated. The Commissioner will be thus relieved of an immense amount of work. Now I have asked over and over again for some figures, some statistics, some detailed account of the sudden increase of the work of the Commissioner, not of the sort for which a remedy is already provided, but of work to which he must legitimately attend himself; but beyond vague and general assurances no detailed evidence of it has up to the present moment been produced. But assuming for a moment that the work has increased, I deny that the remedy proposed is the right or proper one and in conformity with the constitutional arrangements for the purpose. According to those arrangements the Commissioner is to have deputies for special classes of work, and I believe it was pointed out in the debates on the Bill of 1872 that the Health Officer and the Executive Engineer were Deputy Commissioners for special purposes. If the work has

increased in reference to any of the great Municipal departments, let that be established and the departments can be strengthened. The Corporation has always been ready to give such assistance to the Commissioner whenever he showed that there was temporary or permanent need for it. They gave a personal assistant to Mr. Ollivant; they also gave him a special officer to do special work in the re-organization of the Assessment Department. And I have no doubt that if a case for any further assistance was made out, the Corporation would sanction it. But there is no need for a special provision for that purpose, and the proposal to create a General Deputy Commissioner seems to me to be an utterly inappropriate remedy. So far, I have tried to show that the proposal to create a Deputy Commissioner is not proved or justified on the grounds urged for it. But I have a strong objection of a positive character to urge against it. To have a Deputy Municipal Commissioner would be to mar and destroy the integrity of the constitutional principle on which so much stress has always been laid, *viz.*, that there shall be a *sole* Municipal Commissioner vested with full executive power and responsibility. The essential part of the principle lies in the executive officer being the sole officer, so that responsibility may unquestionably attach to him. To give him another officer to whom he can make over certain general duties would certainly be to divide that responsibility; and divided responsibility is no responsibility at all. It would thus be a grave infringement of a most important constitutional principle, and I view with alarm all trifling with important constitutional principles. I have also another practical objection to urge against the measure. As the section stands, the appointment is vested in the Governor in Council. It is not improbable that the place may come to be systematically given to a junior Civilian who, bearing in mind the salary that is to be attached to it, will consider himself to have a lien on the Commissionership. In his speech on the first reading of the Bill, the late Sir

M. Melvill indirectly indicated the position of the Deputy Commissioner as an officer in training for the place of Commissioner. Now the practical result of such an arrangement would be generally to place the Commissionership in the hands of a juinior Civilian, when it is admitted that it is of the utmost importance that the place should always be filled by an officer of long standing and great experience. Under the system at present prevailing the officers who are appointed Municipal Commissioners seldom continue to act for more than two years on an average; several have acted for much shorter periods. At one time the place changed hands about three times in the course of a few weeks. There is therefore every reason to fear that the Commissionership under the present proposal would constantly pass into the hands of a junior Civilian—a contingency the possibility of which is deprecated on all hands. It is for these reasons that I oppose the creation of the new place of Deputy Municipal Commissioner.*

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In moving another amendment.

On Section 219 being reached the Hon'ble Mr. Pherozeshah M. Mehta moved that in sections 219, 223, 244, 259, 267 sub-section (2), 289, 293 and 403, &c., the word 'Council' be substituted for the word 'Commissioner,' and the words 'when authorized by the Council either generally or specially in this behalf' be omitted; and that in sections 222, 250, 260, 264, 287 sub-section (2), and 294, the word 'Council' be substituted for the word 'Commissioner.'

The honourable gentleman confined his remarks to section 219, but observed that the result of this would govern the others which were to a similar effect. In speaking to the amendment proposed to section 219, the honourable gentleman said:—Your Excellency,—The object of my amendment is not to change the purport of the section, but to convey in simpler language

*The amendment was lost on his Excellency the President's giving his casting vote against it.

what the section as framed at present endeavours to do in a roundabout way. I propose that the word 'Corporation' should be substituted for the words 'the Commissioner when authorized by the Corporation either generally or specially in this behalf.' The scheme of the Bill, as now amended, I take to be this. By section 65 as amended the Municipal Government of the city is vested in the Corporation while the executive functions for carrying out what the Corporation may require to be done is vested in the Commissioner.

Now sections 62, 63, and 64 describe generally and collectively the duties cast by the Bill on 'the Corporation'; and the different clauses of these sections may be said to contain the short heads of these different duties. It will be observed that these duties are laid on the governing body, the Corporation only. When we come to chapter nine, we find that and succeeding chapters are devoted to detailed provisions in reference to the general heads collected in the sections I have named, in their different clauses. For example, chapter nine, which relates to drains and drainage works, is a detailed expansion of clause (*a*) of section 62—'the construction, maintenance and cleansing of drains and drainage works, etc.' Chapter ten which relates to the 'water-supply' is an expansion of clause (*b*)—'the construction and maintenance of works and means for providing a supply of water, &c., &c.' And each of these chapters, so expanded in detail, contains, so to say, an introductory section enunciating the duty cast upon the Corporation. Section 219 is one of such sections; its words are almost the same as those of clause (*a*) of section 62. Under these circumstances it seems to me that as a matter of drafting, the proper word to describe the body on whom the duty is cast, should be the word 'Corporation;' the words 'the Commissioner, *when authorized by the Corporation*, either generally or specially in this behalf', are a useless circumlocution to effect the same object. The use of the word 'Corporation' will not

give executive functions to that body. Whenever the question is *raised* with regard to any section in the Act, on whom the duty lies of performing a special function, section 65, which is a general controlling section, will step in, and assign the executive functions relating to the performance of any act or duty to the Commissioner, all the others to the Corporation. It will be a cumbrous mode of doing things again to embody in some sections what is meant generally to be effected by section 65. I trust honourable members will observe that I do not propose this amendment with regard to sections which deal with purely executive matters.

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In reply to the debate on the above amendment.

I will ask your Excellency's permission to say a few words before this discussion proceeds further, as I think it will tend to remove a considerable amount of misapprehension, and disencumber the debate on my amendment of a considerable amount of irrelevant matter. My Lord, I must express my extreme surprise at the turn which my honourable friend Mr. Naylor has chosen to give to this debate and the complexion he has put upon an amendment which I regarded substantially to be of a somewhat formal character. The Council will remember that, in proposing it, I pointed out that it was directed to substituting a simpler and more appropriate word for the very same object which the section had in view, in place of the circuitous phraseology which was adopted in the section to carry out that object. But to my utter astonishment, my honourable friend says that it is intended and calculated to transfer executive powers and functions from the Commissioner to the Corporation. I am at a loss to conceive how the Hon'ble Mr. Naylor could have possibly imagined that such could be the object of the amendment, in view of what took place in the Select Committee about this very matter. He knows that nobody has been more staunch and unwavering than

myself in his allegiance to the constitutional principle of vesting the whole executive power and responsibility in a single officer, call him the Commissioner or what you like. In fact, I have been astonished, and if I could say such a thing in a grave deliberative assembly like this, I have been amused, at the charge brought against me by him of seeking to destroy the integrity of that principle. If anybody has been throughout consistent and constant, with regard to it, it is I, as I shall presently show, while it is my honourable friend, as he has himself confessed, who has been guilty of inconstancy. He admits that he was led away for a while to transfer his affections to a fairer rival, he was tempted, and he fell; the seductive charms of what he at one time thought a more attractive candidate for his regard, betrayed him into abandoning the Commissioner with his sole executive power and responsibility, in favour of executive sub-committees with the Commissioner as Chairman. I have never wavered in my allegiance, and I repeat that I was never more surprised than when my honourable friend charged me, with seeking, by my amendment, to transfer executive functions from the Commissioner to the Corporation, especially after what took place in the Select Committee about this very proposal. My honourable friend will remember that, when, after a protracted discussion, it was decided to alter section 65, as it now stands, and to accept the constitutional scheme embodied in it, I proposed that the word Corporation should be substituted for the word Commissioner in section 219 and several others, and the acting Advocate-General, Mr. Macpherson, who was then on the Committee, immediately acknowledged that, with the constitutional alteration in section 65, it was right and proper that the word should be so substituted. He will also remember that thereupon the proposal was accepted, and a note made of the different sections in which the word should be substituted. He will further remember that it was on the next day that he proposed to substitute the present

words 'the Commissioner, when authorized generally and specially on this behalf' as expressing with more certainty, that the Corporation were to have the administrative and the Commissioner the executive, functions in carrying out the different matters mentioned in the different sections. Though I contended that my proposal was the simpler method of doing the thing, the more circuitous phraseology was adopted. But all throughout that discussion, it was acknowledged that there was no question involved in either proposal of transferring purely executive functions to the Corporation. Therefore it is that I am surprised at the Hon'ble Mr. Naylor's now contending that the intention and effect of my amendment is to do any such thing. Before, however, I point out that he is entirely mistaken in so thinking, I will refer, as briefly as I can, to the contention he has elaborately placed before the Council, to show that the charge against the Bill as originally framed and introduced, of being a retrograde measure is unfounded. So far from being unfounded, this retrograde character was not so fully exposed by me when I spoke on the second reading as I might have done. The honourable member says that the Bill was not retrograde, since it followed the Acts of 1865 and 1872 in vesting the full executive powers in the Commissioner. But that was not why I called it retrograde. I denounced it as retrograde, because it deprived the Corporation of the powers of initiation, criticism, and supervision, which it possessed and exercised under the Acts of 1872 and 1878. Under the Act of 1865, the Bench possessed no such powers, and the Hon'ble Mr. Cassels in his speech in introducing the Bill—I quoted the whole extract in my speech on the second reading—said distinctly that the Bench were to have no power of initiation, and that beyond the power of the purse, the Bench could in no way control or question the Commissioner except by dismissing him by a vote of censure. Now let us see what was done in this respect by the legislation of 1872.

In my speech I ventured to describe the constitutional lines on which the Municipal administration was carried on since the passing of that Act. The Hon'ble Mr. Naylor, when I asked him to read the passage itself, was obliged to admit that he could find no fault with my statement of them. The Council will remember that I took care to say that those lines were perhaps only timidly and tentatively indicated in the Act. I also said that it was doubtful whether they were 'fully or clearly expressed.' What I did emphaticlly say, however, was, that such was the way in which the Act was understood and interpreted in practice for the last fifteen years, and that the Corporation had ever since been exercising the fullest powers of initiation, criticism, and supervision, which powers the Bench did not possess under the Act of 1865. My honourable friend has not ventured to dispute this proposition. In fact he has been obliged to admit it fully. If this interpretation and understanding of the Act of 1872 was wrong, the Act of 1878, which was passed to render it permanent, would have surely tried to remedy the misapprehension. That it attempted to do nothing of the sort cannot but be regarded as a ratification of that interpretation and understanding by the legislature. The Hon'ble Mr. Naylor cited a number of passages from the speeches of the Hon'ble Mr. Tucker on the first and second reading of the Bill of 1872, to show that the full executive power remained as before in the Commissioner, and that the constitutional lines were not altered. I was fully aware of those passages. They only confirm what I had said, that, at that time, Government, very nervous about dangers, as they thought, of the doubtful experiment they were launching for trial, spoke with a very uncertain and hesitating voice. They explained things at one time in one way, and at another in another. In fact, they were indicating the new departure in a timid and tentative manner, so much so that on the third reading, the Hon'ble Mr. Bythell, a most able and accomplished member of the

European mercantile community at that time, forcibly drew their attention to it in the following passage:—'I have, however, heard it argued that we who object to the Commissioner being placed in a position that must bring him into antagonism with the Town Council are led away by a figure of speech, that sec. 42, which says that the sole power and responsibility shall be vested in one Commissioner must not be read literally, that the other portions of the Act so bind him down that he virtually cannot move hand or foot without the sanction of the Corporation. Well, then, I answer if he really will be, and *is intended to be*, the servant of the Corporation, why annoy the public by deluding them into the belief that Government are so distrustful of the Corporation that is to be, that they take care to render the body to a great extent powerless by placing all the real power in the hands of their own nominee? It was in answer to this challenge that the Hon'ble Mr. Rogers made the declaration I quoted from his speech on the third reading. I think I have now shown that I was strictly accurate in my account of the legislation of 1872, and its practical outcome. The Act of 1872 was thus clearly in advance of that of 1865 in so far as it permitted the Corporation to claim and exercise the powers of initiation, and of criticism and supervision over the Commissioner. Now let us turn to this Bill as originally introduced, and I will beg the special attention of the Council to section 65, the constitutional section, as it originally stood:—'Respective functions of the several Municipal authorities:—65 (1) The respective functions of the Corporation, of the Town Council and of any committee appointed under section 41 shall be such as are specifically prescribed in or under this Act. (2) Except in so far as authority is expressly vested by or under this Act in the Corporation, or in the Town Council, or in any such committee as aforesaid, *the duty of carrying out the provisions of this Act vests exclusively in the Commissioner.*' Now the authority expressly vested in the Corporation by the Bill was the power of

sanctioning the budget. But beyond that, all other powers, legislative, administrative, executive, or of any other sort whatsoever, were thus exclusively vested in the Commissioner. Indeed, the honourable framer of the Bill, after giving the power of the purse, no doubt, to the Corporation, made a present of the whole residuary authority and jurisdiction of every sort to the Commissioner. And it will be observed that for the first time since 1865, the section about vesting the executive power in the Commissioner disappears. The omission is fraught with the most significant results. In the Act of 1872, the inclusion of such a clause left matters open to the implication that all others, except the executive powers vested in the Commissioner, remained with the carefully constituted and elective body called into existence by the Act. All that was completely swept away by the new provision. It was freely admitted in the Select Committee by the honourable member in charge of the Bill, that the constitutional provisions were intended to take away from the Corporation all powers of initiation, criticism and supervision. Now I ask honourable members of the Council if a Bill with such provisions did not deprive the Corporation of the powers which it had exercised for fifteen years, by the quiet but effective device of professing to give useful definitions; if it did not go back to the principles of the legislation of 1865, which denied those powers to the Bench, and in fact if it was not emphatically and distinctly a retrograde measure, worse even than the Act of 1865, in so far as the deprivation of the powers was more express, pronounced and definite. It seems to me that the Bill, as originally framed, cannot escape from being deservedly characterized as retrograde. Then, my Lord, I have said that it is not my honourable friend Mr. Naylor who is entitled to call himself the consistent champion of the integrity of the constitutional principle vesting full executive powers in a sole officer. My Lord, speaking for myself and the Corporation, it is we who

can claim to be so. In my speech on the second reading I alluded very briefly to a paper read by me in 1871, on the great municipal reform question of the day. If I were not afraid of taking up the time of the Council, I could show that in that paper I strongly advocated that principle, not on account of any special distrust with regard to the capacity or powers of the citizens of Bombay or of the members of the Corporation, but on general principles, applicable to Bombay in common with all other cities, as pointed out by such liberal thinkers as John Stuart Mill, Herbert Spencer and others, who strongly lay down that executive functions are best performed by a single officer, and that there are grave dangers in entrusting them to boards or sub-committees, as experience has over and over again proved. The same principle was steadfastly asserted by the committee of the Corporation appointed in 1883. True that there was a minute to the report of that committee by my friend Mr. Javerilal, concurred in by my friend Dr. Peterson, suggesting executive sub-committees. That proposal was considered and discussed in the full Corporation, and it was almost unanimously rejected. It met with the same fate when Government sent the draft Bill, as first drawn, to the Corporation. The Hon'ble Mr. Naylor says that it was not an essential feature of the scheme of executive sub-committees proposed in it, that the Commissioner should be chairman. I think I can venture to say that it was. I can say with some degree of confidence that, as regards Mr. Ollivant's idea of it, it was the most important feature of the scheme. The Hon'ble Mr. Naylor says the Corporation rejected it without assigning any reason. But he is mistaken. In the last paragraph of the letter I addressed to Government on behalf of the Corporation, it is to this scheme they refer when they say :—'That they find the new Municipal Bill is drawn on lines widely divergent from those recommended by the Corporation in their letter No. 1013 of 10th October, 1884.

The Corporation still consider that the principles on which they proceeded in making the recommendations contained therein were *sound in theory and cautiously founded on the results of their working* ever since the formation of the present Municipal constitution.' In their letters to Government on this Bill, the Corporation have steadfastly adhered to their mature and well considered opinion on this point. So that, I repeat that it was with the most unqualified surprise that I heard my honourable friend Mr. Naylor enter into an elaborate argument, to show that my amendment, which I considered to be of a most harmless and innocent character, was really intended to transfer executive functions and powers from the Commissioner to the Corporation. I have shown that the acting Advocate-General, Mr. Macpherson, and even Mr. Naylor for a short time, considered it only as a question of different ways of doing the same thing. And that, I again say, it really is. It is true that we have now come to those portions of the Bill, which deal largely with executive functions. But the various parts are prefaced by sections which, so to say, are headings taken from the different parts of section 62, which lays down what functions it is incumbent upon the Corporation to perform. Now look at section 219 as it stands. He (the Commissioner) shall 'construct such new drains as he shall from time to time deem necessary.'

The Hon'ble Mr. Naylor:—You are overlooking the amendment made by the Select Committee.

The Hon'ble Mr. Pherozeshah Mehta:—How?

The Hon'ble Mr. Naylor:—'He' has been struck out and 'be' has been substituted for 'deem.'

The Hon'ble Mr. Pherozeshah Mehta:—I am glad you have pointed that out. But to revert to my argument, clause (*a*) of section 62 refers to the '*construction, maintenance, and cleansing* of drains and drainage works and of public latrines, urinals and similar conveniences.' If the use of the words 'construction, maintenance and

cleansing' in this clause do not signify that they are executive functions, why should the same words do so in section 219? I say they would not, equally in the one case as in the other. Section 219 would have to be interpreted in the light of section 65, and with the word Corporation in it, equally in section 62, would mean that the administrative part of the function would be with the Corporation, the executive with the Commissioner. It would thus be in harmony with the constitutional scheme now accepted by the Council. The Hon'ble Mr. Naylor seeks to effect the same object by a circuitous phraseology:—'The Commissioner when generally or specially authorized by the Corporation in such behalf.' I believe the simpler way of drafting the section is the one suggested by me, and it is this point, and no other, which I have brought before the Council for discussion by my amendment.

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On the third reading.

Your Excellency,—I shall vote cordially for the passing of this Bill into law. I entirely concur in all that has been said by my honourable friend Mr. Telang as to the character of the Bill as a whole. The detailed discussion in Council, in which the desire of your Excellency and the members of your Excellency's Government has been so conspicuous to give the most patient and careful consideration to suggestions and proposals from all quarters, has left me but one disappointment of any severity with regard to any important matter. But it is well to remember that no practical legislation in a matter of such complexity can ever be perfect, from a special or individual point of view. It is to the general result we must look to guide us in giving or withholding our acceptance. Looking at it this way, I cannot but regard this Bill as substantially in conformity with the views and opinions of the Corporation as representing the city, contained in the various represen-

tations sent by them to Government since 1883. It is drawn on sound practical principles—sound in theory and tested by long experience. It has carefully steered clear of two pitfalls. On the one hand, it has avoided the blunder of making the Commissioner more than the executive officer of the supreme administrative body—the Corporation. On the other, it has not succumbed to the temptation of abolishing the Commissioner in favour of Executive Committees or Councils or of changing the mode of his appointment. The Corporation have always viewed with great alarm the prospect of either course being adopted; they have always firmly resisted all endeavours to seduce them to give their approval to either. I should like to add one word more before this Bill is finally launched on its new career. I believe it is an eminently workable and practical measure. But it will be in the future as in the past. The prospect of its success will not be simply in its own excellence. Whether it be perfect, or whether it be faulty in some respects, its success will in a great measure depend upon its being worked in that combined spirit of enlightened zeal and public spirit and of sound practical common sense, which has distinguished the conduct of Municipal affairs in this city for the last fifteen years. Worked in that spirit, as I feel confident it will be, this Bill is well calculated to add fresh laurels to the Municipal fame of this city.

THE PUBLIC SERVICE QUESTION.

[*The Hon'ble Mr. Pherozeshah M. Mehta made the following speech in seconding the Resolution on the Public Service question, which was moved by Mr. Eardley Norton, at the Fourth Indian National Congress, held at Allahabad in December 1888.*]

Gentlemen,—I mean to set the best of examples, and will put an end to my oratorical existence within the period of five minutes allowed by that guillotine. (Laughter.) I will take one minute of the five to make one observation which has suggested itself to me by an incident which took place to-day. Some of you, gentlemen, were disposed to be rather angry with the gentleman who wished to propose an amendment to the first proposition. You will remember the words of wisdom which fell from the President (Mr. George Yule) in the course of one of the most remarkable speeches I have ever heard. (Cheers.) He told us that all such agitations passed through three stages—hostility, partial acquiescence and misapprehension, and finally complete surrender. Now I say we should be glad that we find the Rajah Shiva Prasad, who is in the Congress to-day, in the second stage of preparation. (Cheers and laughter.) His hostility to the Congress has ceased*, and he comes here to-day to do you an act of homage by moving an amendment. (Laughter.) That act of homage means that he subscribes to the great and sacred principles on which this Congress is founded. (Cheers.) And I think I shall prove a very safe prophet when I say that by the time the next great Congress is held, the Rajah will have reached the last stage of transformation, and that is one of complete surrender. (Laughter and cheers.) Now I pass on to the task which has been entrusted to me, a very difficult task indeed

* For full particulars of Rajah Shiva Prasad and the incident here referred to, see the Report of the Fourth Indian National Congress, pp. xviii xx, and 24-5.

when I remember that I was preceded by Mr. Eardley Norton, who has placed before you the proposition in his charge in one of the most able and eloquent speeches that I have ever heard. (Cheers.) I will therefore confine myself to a few observations on the proposition. It is said that we want to enter the Civil Service of India, because the educated classes of this country aspire to it. It is said that the admission is demanded for the purpose of satisfying what are called the legitimate aspirations of the educated classes of this country. That may be one way of putting the matter. But I would ask you to put it on a simpler and broader basis. The reason why the Congress is so earnest about securing the equal admission of the Natives of this country into the Civil Service rests upon a two-fold foundation. Mr. Dadabhai Naoroji has over and over again pointed out to us that the question rests upon economic necessity. It is necessary on economic grounds that natives should be largely employed in the administration of the country. But there is a necessity even greater than that, and that is a political necessity. (Cheers.) I say that when the time came to settle the principles on which British rule in India was to be carried on, it was clearly recognized by those sober statesmen who guided the destinies of England at that time, that even for Orientals an absolute despotism was an impossible creed in practical politics. (Cheers.) It was clearly recognized that even the most benevolent and most paternal despotism must, if it wants to be stable and permanent, place its roots in the country in which it carries on that rule; and this principle was soberly, though eloquently, enunciated by Lord Macaulay in 1833, when he said that for the sake of English honour and English wisdom, it was absolutely imperative that the natives of this country should have an equal share in the administration. (Cheers.) I would press these two grounds on the Government. I would press them on the Secretary of State, and I would press them on the people of England, because I am one

of those who wish that the British rule in India should be a stable and permanent rule. (Cheers.) Now, I will say a word about the question of age. It is not only necessary for Indian candidates to get into the Civil Service, but it is equally necessary for the right and better administration of the country, as Mr. Norton has so well pointed out, that the limit of age should be increased. What does the present limit of age mean? It means that for our magistrates and deputy collectors we have mere boys of 22 and 24. I know too well from the experience I have acquired in my professional capacity what it is to have first class magisterial and administrative powers placed in the hands of youths. However good they may be they are only youths, inexperienced unripe youths. (Cheers.) I say, therefore, that this is a most important question. Do not be carried away by the great importance of the first resolution, and think that the one now before you is of a subordinate importance. It is, on the contrary, in the eyes of many of our most advanced thinkers, *par excellence* the question of the day, and I earnestly hope and trust that this Congress will energetically raise their united voices in this matter to the powers that be as the question really most vitally affects the best interests and the future progress and welfare of the country. (Loud cheers.)

SPEECH ON THE ARMS ACT.

[*At the Fourth Indian National Congress held at Allahabad in 1888, there was a discussion on the Arms Act on the following resolution :— 'That, in view of the loyalty of the people, the hardships which the present Arms Act (XI of 1878) causes, and the unmerited slur which it casts upon the people of this country, the Government be moved so to modify the provisions of Chapter IV, and, if necessary, other portions of the said Act, as shall enable all persons to possess and wear Arms, unless debarred therefrom, either as individuals or members of particular communities or classes, by the orders of the Government of India (or any local authority empowered by the Government of India on that behalf) for reasons to be recorded in writing and duly published.' Mr. Pringle Kennedy proposed an amendment that the whole of the above should be omitted from the Resolution which embraced other topics, and the Hon'ble Mr. Telang seconded the amendment. The Hon'ble Mr. Mehta opposed the amendment in the following speech.*]

It is always with the greatest regret that I differ from any view which is taken by my friend Mr. Telang. (Cheers.) But I wish to state before the delegates in this Congress assembled the reason why I steadfastly support the original resolution placed before you. (Cheers.) It is said that the proposition is placed before you simply on sentimental grounds. Perhaps it is so to a certain extent, if you look to the wording of the resolution. But the reason why I support that resolution is a different one. It is not sentimental, but eminently practical, and one of the most vital importance. That consideration is that you cannot, and ought not to, emasculate a whole nation. (Cheers.) It may be said that the time may come in future when these restrictions will be removed. But remember that when once the Indian people become emasculated, it will be a very long time indeed before you can get them to recover their manliness and their vigour. (Cheers.) That is my ground for supporting the proposition; and I say it is a practical ground. Perhaps, a good many of you remember the case of James II, who, when in his hour of peril, appealed to the Duke of Bedford (whose son

had been judicially murdered by the King) for help, to whom the old nobleman replied: 'I had once a son whom I could have sent to your assistance. But I have not got him now.' In the same way, in some hour of need, India might have to say something similar to England. (Cheers.) I entirely recognize all the reasonable, and to a certain extent alarming, difficulties which have been raised; but I say that, if you strive to follow a really far-sighted policy, you will realize from the lessons of history that it can never be wise to emasculate a nation. (Cheers.)

OPENING OF THE NEW ELPHINSTONE COLLEGE.

[*The Hon'ble Mr. Pherozeshah M. Mehta made the following speech on the occasion of the opening of the new buildings of the Elphinstone College, Bombay, by his Excellency Lord Reay, on Monday, the 4th February, 1889.*]

Mr. Principal, ladies and gentlemen,—I consider it a very great honour that you, Mr. Principal (Dr. Peterson), have asked me, as an old Elphinstonian, to tender to H. E. the Governor our grateful thanks for his kindness in coming here to-day to instal this College in this spacious and splendid pile of buildings. (Cheers.) But, my Lord, we are not only grateful to you for performing this formal ceremony; there is another and a deeper reason for our thankfulness. The cause of education, of what has been called literary education, but which I should prefer to call by its old-fashioned name of liberal education, of which this College is the chief seat in this Presidency, may be just now compared to a tempest-tost bark in mid-ocean. I believe that it is a stout vessel which will weather the storm, but still to have so potent and experienced a mariner as your Lordship in our midst cannot fail to give us an inexpressible sense of relief and security. (Cheers.)

We have still another cause for thankfulness. It is generally supposed that affection yearns in a peculiar manner towards the youngest born, but your kindly and sympathetic presence here to-day gives us assurance that, dear as is the cause of technical education to your Lordship's heart, your affections are in no way estranged from the elder sister (cheers), from that education of which this College is the representative, and without which the establishment of sound technical education in the splendid manner in which your Lordship has been able to inaugurate it, would have been barely possible. (Cheers.)

It is a matter of infinite gratification to us, my Lord, that your presence here to-day entitles us to add the

name of so great an educationist and administrator as your Lordship, and, if I may be pardoned for presuming to say so, of one whom the people of this Presidency have learnt to regard with the most entire confidence and respect (cheers), to the roll of distinguished men whose connection with this College as founders, benefactors, well-wishers and sympathizers is remembered and cherished by us with honour and respect. (Cheers.) My Lord, that roll is an illustrious one. The memory of the statesman from whom this College derives its name is reverently enshrined in our hearts. In these days, when a great deal is said of the perils of education, I often remember a story which is related of him by General Briggs as showing of what stout and sturdy material English statesmen are made. 'Finding in a corner of his tent,' says General Briggs, 'a pile of printed Mahratta books, I asked him what they were meant for. "To educate the natives," said he, "though it may be our high road back to Europe." I said then, I wonder that you as Governor of Bombay have set it on foot. He replied, "we are bound under all circumstances to do our duty by them."' (Cheers.)I t cannot for a moment be imagined that the safety of the empire was not a consideration paramount above all others in the mind of this strong and sagacious statesman; all that he meant was that the path of duty was the best path for securing the safety of the empire. And his foresight was just. It is true the soldier is abroad, maintaining and preserving peace and tranquillity, but the humble schoolmaster is also now abroad, transforming the feeling of gratitude for this inestimable blessing into a sentiment of earnest, devoted and enlightened loyalty. (Cheers.) I will only refer to one other name—that of one to whose great and varied accomplishments as scholar, teacher and administrator, this College owes so much, I mean Sir A. Grant. (Cheers.) I cannot help wishing that the Vice-Chancellor of the Calcutta University had come to know of the evidence given by Sir A. Grant as to the effect of educa-

tion in this Presidency at least. To superficial observers the effect has seemed superficial, but those who have the vision and the faculty to look deeper have observed, as Sir A. Grant pointed out, that education has been slowly and gradually permeating all Indian life with a higher and a nobler conception of public and private duty. (Cheers.) We are proud to be able now to claim you in this distinguished roll, and I ask your Excellency to accept our heartfelt thanks for your presence here to-day.

MR. OMMANEY AND THE PARSEE PUBLIC MEETING.*

[*The Hon'ble Mr. Pherozeshah M. Mehta addressed the following letter to the 'Advocate of India,' and it was printed in the issue of that paper of 17th August, 1889.*]

SIR,—As my action with regard to the attack made by Mr. Ommaney on the Parsee community has been misrepresented by some and misconceived by others, I shall thank you to let me have the opportunity of saying in your paper a few words in explanation of it. In common with all other members of my community I fully and strongly share in the feelings of astonishment and indignation, created by the reckless aspersions which the Inspector-General of Police seems to have gone out of his way—almost wantonly and as of *malice prepense*—to cast against it. That the stab was given in the dark, and the perpetrator of the offence might have thought himself safe from discovery, does not seem to me to afford any palliation; it serves only to aggravate the offence. These sentiments are, I think, temperately yet forcibly delineated in the letter addressed by Sir Dinshaw Petit to Lord Reay. Nobody more heartily concurs than myself in the statement made by Sir Dinshaw in that

* The action taken by Lord Reay's Government in appointing a Commission under Act 37 of 1850, to enquire into charges of corruption against a high English official occupying the post of Commissioner of a Division and issuing a Resolution holding them proved, was keenly and violently resented in the Anglo-Indian Press. A variety of efforts was made to bring Lord Reay's Government into discredit in connection with the matter. One of them was to infiame the Parsee community and to induce them to give vent in a public meeting of the community to their resentment at some remarks made in the Report of the Inspector-General of Police appointed to enquire into the charges. Many leading members of the community were satisfied with the exculpation given by Lord Reay in reply to a letter addressed to him on the subject to Sir Dinshaw M. Petit. The Bombay Anglo-Indian Press, however, endeavoured to rouse the community to hold a meeting of protest. Hence the following letters.

letter, 'that the imputation of offering passive or active obstruction to the inquiry is not only unfounded and undeserved, but that it misrepresents the attitude of the community towards the enquiry, as nothing is better known than that the Parsee community generally was foremost in according the fullest and most emphatic approval to the action of Government throughout the whole of the enquiry, and in cordially appreciating the firmness and high sense of duty which were so remarkably manifest in undertaking and prosecuting so arduous and difficult a task.' Thus fully participating in the resentment felt by the Parsees, the question presented itself to me, as I suppose it did to all having the interests of the community at heart, as to the best course to pursue for the purpose of exposing the misrepresentation, and recording a public contradiction of it. To call a public meeting for the purpose was one of the courses that naturally suggested themselves. But at the very outset, it became evident that the incident was going to be seized upon and manipulated by those people who had so long endeavoured to mislead public opinion, both here and in England, about the Crawford enquiry with a tenacity of which the persistency was only equalled by its unblushing effrontery. An emissary of one of your daily contemporaries was busy going about exciting public feeling, and stimulating it with promises of support. This manœuvering was calculated to excite alarm in the minds of all those who, like me, feel and think very strongly about all questions and matters connected with the Crawford case. I am not given to indulging in indiscriminate panegyric of Government and Government measures; and, if I may make a little confession, I am growing very uneasy about Lord Reay's educational policy. A confirmed Congresswallah like me is rather exposed to the contrary imputation. To my mind, however, the action of Government in that case has not yet met with the full credit which it so richly deserves. No measure of Lord Reay's administration deserves

more unmixed approbation. When the clouds raised by ignorant misrepresentation and malicious calumny have rolled away, history will record it to his lasting honour that Lord Reay did an invaluable public service by probing and exposing a long festering sore of unexampled corruption, with a noble rectitude of aim, an unflinching determination of purpose, and a steadfast disregard of all prejudice, which are beyond all praise. Great and valuable have been the services rendered by Sir R. West during a long judicial career, during which he has sometimes seemed to me to have endeavoured to follow the eighteen golden rules laid down by that great judge, Sir Mathew Hale, for his judicial guidance. But the judgment, for I can call his now famous minute by no other designation, delivered by him in the Crawford case, will add fresh lustre to his fame as an upright and independent judge. The other members and officers of Government who co-operated in the task also deserve no little praise; and, among them, it should not be forgotten even by those who are now loudest in finding fault with him, that the Inspector-General of Police had a heavy duty to perform, which he discharged with untiring zeal and great ability. Holding these views, it seemed to me that it would be a grave blunder to permit ourselves to play into the hands of the wire-pullers, who had been so busy in perverting public opinion on this question. A great portion of the Anglo-Indian press had behaved in a manner which can be best described by something I read recently about American journalism: 'The easy flow of magnificent mendacity of the average partisan editor in America makes me ashamed every time I open a paper.' Some of them outdid the Bengali journalist as he exists in their imagination. Mr. Lee-Warner evidently aimed his recent public lecture on Criticism against native papers and native critics; he ought seriously to consider whether he might not with advantage present it to some of our Anglo-Indian editors. The native papers, though on the whole they acquitted

themselves judiciously, were somewhat timid in their utterances; most of them gave in to the fashionable cant of sympathy with fallen greatness. One of the Parsee journals was excessively lukewarm; the editor of the *Rast Goftar* was dreadfully weak-kneed about the mamlatdars, led away by the new faith to which he has fallen an apostate, of sowing strife and dissension between Parsees and the other natives of this country. It is so refreshing to read in the last debate in the House of Commons on this question how Sir George Campbell courageously pointed out that this comparatively small matter had been allowed to overshadow the great question of the conduct of a high administrative officer. The unfortunate way in which the question of the indemnity to the implicated mamlatdars is treated, is fraught with almost irreparable mischief for the future. Corruption is not so uncommon as is generally supposed, even among English officials. In future, it will be a miracle if it is ever exposed. And it must be remembered by those who view with horror the existence of mamlatdars who have paid for their offices, that without an indemnity, freely and broadly given, there would have been perpetuated a state of things of the same enormity as that against which they now declaim, a thousand times worse. It, therefore, seemed to me and many others in whose judgment Parsees have always reposed great confidence that it would be desirable to adopt some way of repudiating Mr. Ommaney's attack without giving a handle to those who wished to turn the incident to account, by representing that the Parsee community had also now pronounced against Government. I am aware that those who are in favour of a public demonstration urge that in their proceedings they would make it clear that they did not mean anything of the sort. But their elaborate speeches and explanations in that behalf would scarcely be read except by themselves, and the whole thing would be misrepresented, exactly as has been done over and over again during the course of the

enquiry in regard to other matters; and we have seen how successfully truth has been obscured and the misrepresentation effective in doing its work. The real facts would never reach thousands whom the misrepresentation would reach. Hence Sir Dinshaw's letter. I may here refer to a misconception of our action which has been sedulously propagated. A good deal has been said about hole-and-corner meetings and unauthorized action. But surely I, or anybody else, was free to consult our friends, and act individually as appeared best to us, just as Mr. Kabraji of the *Rast Goftar*, Mr. Nanabhoy Chichghar of the *Times*, Mr. M. M. Bhownuggree, and others serving under the leadership of Mr. Cursetji De Vitre, whom I have not the honour of knowing, were free, acting upon their own judgment, to get up a requisition for a public meeting. I may at once say here, that I do not agree with those of my friends who hold that Mr. De Vitre, being unknown to fame, should not have put himself forward as he has done. I think he was as free to do so as any other member of the community, however humble, who believed he was acting in its interests, just as much as I was free to do what I did in co-operation with Sir Dinshaw Petit, Mr. S. S. Bengali, Mr. Sorabji Framji Patel and others.

Apart from the above considerations, I have no positive objection to holding a public meeting, except that it is somewhat like using a ton-hammer to break a nut. I still believe that it would have redounded more to the honour of the Parsee community, if they had vindicated their honour against the attack made on it, by subordinating their special, or, if I may say so, their personal grievance in the presence of a great question affecting the public interests of the country at large. If they had been left to themselves, or if there had been an opportunity of explaining matters, I think they would have adopted such a course, for I may permit myself to say, with pardonable pride, that they are generally as magnanimous of mind as they are liberal of hand. I

do not think that, on due consideration, they will ultimately go in for the gospel of selfishness, which the *Rast Goftar* and its editor are now preaching in the excitement of personal and individual grievances, and of which their present advocacy of a public meeting, directed, I am bound to admit, more against the Hindus than Government, is part and parcel. If they had been left to themselves, I say, they would have been content to accept Lord Reay's assurances, diplomatic as they somewhat sound, but which contain all the vindication and reparation that the wounded honour of the Parsees can require for any useful purpose.

August 16. PHEROZESHAH M. MEHTA.

A RETROSPECT.

[*The following second letter on the same subject was printed in the "Advocate of India" on August 31, 1889.*]

Sir,—Encouraged by the success of my first letter, I am induced to give you another long and rambling discourse, on the interesting manifestations of the lively effects produced by it, on a variety of people. Malice and intemperance have always the knack of overleaping themselves, and defeating their own object. This is remarkably exemplified in the attacks made with the view of embroiling me with my Parsee brethren, and lowering me in their estimation. But these attacks, meant to curse, have only succeeded in blessing, and my assailants have been unwittingly led away to extol me as the leader of the Parsees, against whom they are only now mutinous, because he is getting too dictatorial and high-handed. I may at once say that I have never made so absurd a pretension. What little I may have done for the community, is in the most inadequate discharge of a duty and an obligation, which we are all striving more or less to fulfil, according to our capacities and opportunities. But there is one thing which, I am entitled certainly to claim, and that is, that in whatever I have done, I have never been swayed by the craving for cheap popularity. Perhaps it may not be utterly useless to recall to mind the noble words uttered by Lord Mansfield on a memorable occasion. 'If,' said the great Judge, speaking in the House of Lords, 'my assailant means by popularity the applause bestowed by after-ages on good and virtuous actions, I have long been struggling in that race—to what purpose all-trying time can alone determine; but if he means that mushroom popularity, which is raised without merit, and lost without a crime, he is much mistaken. I defy him to point out a single action in my life, where the popularity of the times ever had the smallest influence upon

my determination. I thank God I have a more permanent and more steady rule for my conduct—the dictates of my own breast. Those who have foregone that adviser and given up their minds to the slavery of every popular impulse, I sincerely pity; I pity them the more, if vanity leads them to mistake the shouts of a mob for the trumpet of fame.' These words and sentiments of a great actor on a great stage in the drama of life, may be, with advantage, taken to heart by humbler men in humbler spheres of activity. I am not a little thankful to Mr. Kabrajee of the *Rast Goftar* for recalling an old incident in my career, of which I have some reason to be proud, though he has not narrated it accurately, in connection with Mr. Crawford and the Municipal reform question of 1870. It is perfectly true that in 1870, I ventured, in the face of much obloquy, to point out that the municipal reformers of that period were guilty of unfairness in altogether denying the good work really done by Mr. Crawford, and secondly, in asking only for an executive Town Council. In a paper read, and read right to the end, at the Framjee Cawasjee Institute, I exposed the blunders into which excitement was hurrying them, and indicated the real remedy required, *viz.*, a municipal constitution composed of an elected Corporation, Town Council, and a Commissioner. It is perfectly true that I was furiously hissed on that occasion; but everybody has now come round to the estimate I then presented of Mr. Crawford's municipal work; and the municipal constitution which I then suggested, is the constitution under which the municipal administration of Bombay is the theme of universal praise. Mr. Kabrajee says that my experience on this occasion showed me the error of being true to my own convictions. I cannot understand how Mr. Kabrajee should so grievously err. Surely he knows better than anybody else, that I have been hissed a second time, and that too not so very long ago. He also cannot forget that I underwent the hissing in the company of my esteemed friend Principal Wordsworth.

We were striving to support what we considered the just claim of Mr. Kabrajee's son to an university grace. We were aware of the treatment contemplated for us by excited schoolboys; but I should never have forgiven myself for my cowardice, if I had wavered in the slightest degree in persevering with my advocacy,—mistaken it may have been, perhaps, but honest, of Mr. Jehanghir Kabrajee's claim. Nothing gave me greater pleasure than to learn that Mr. Kabrajee's son was provided for by Government in the Statutory Civil Service. But if I was uncharitably disposed to retort to the imputation of sordid and unworthy motives, made by Mr. Kabrajee, against my estemed friend Mr. S. S. Bengali and myself, in one of the very first articles in the *Rast*, abusing us for our action in the Ommaney affair, how easy it would be to do so. I might then point out that what are called the honours conferred upon us, have been only honours that entailed sacrifice of time, labour and money—not that I say so in any grumbling spirit, for how little after all it is that you can do to discharge the heavy debt you owe to your country and your community! I might also have pointed out that we have never entertained members of Government inveterately hostile to all native aspirations; and I might have wound up by pointing to the substantial provision secured by Mr. Kabrajee for his son. But I prefer to look at it in the light of justice done to a deserving young man; and not even the fear of losing my popularity, or what Mr. Kabrajee considers so terrible, of being hissed by unthinking people, will ever tempt or frighten me out of my honest conviction, or daunt me from acknowledging it openly, whenever necessary. It was discreditable of Mr. Kabrajee to make such an imputation against Mr. Bengali; for myself, well, I will only laugh at it.

Mr. Kabrajee has next resorted to another device to eke out his lack of argument. I will frankly confess that he beats me there completely. He is full of the funny jokes and sprightly sallies of the clown, as he is conceived

in the modern Gujarati drama; and when the otherwise sedate Mr. Kabrajee cuts a caper on the stage with one of his side-splitting jokes, I confess I cannot help joining heartily in the laughter, though even at my own expense. But, alas! I fear that this jocularity is only assumed. Mr. Kabrajee reminds me of the great inimitable comic actor Toole, in a part in which I remember seeing him years ago, touching you with the under-current of pain and torture hidden in the heart, while all the while convulsing the audience with his outward fantastic contortions of assumed merriment and laughter. I know Mr. Kabrajee well, and he cannot deceive me. I spy the pathetic undercurrent of pain and suffering in his attempts to simper and to laugh. I would gladly have spared him this, for Mr. Kabrajee is an old friend of mine; and many acts of personal kindness have passed between us. But an imperative sense of public duty has driven me to speak out and expose the apostacy of the editor of the *Rast Goftar*. Those who cherish the memories and associations which connect the old *Rast Goftar* with the earliest efforts for progress and reform of all sorts in this Presidency, cannot sit quiet while it is prostituted to ignoble ends. The gospel of isolation and selfishness which Mr. Kabrajee now preaches, in relation to the attitude of the Parsee community towards the other natives of this country and the Congress, is utterly inconsistent with the high and enlightened principles on which the paper was founded and carried on so long, by that noble band of early reformers,—touched by the very first rays of the rising sun of education,—Dadabhai Naoroji, Nowrozji Furdoonjee, S. S. Bengali, Ardeshir Framji and others, whose teaching, as wise as it was noble, still bears fruit. I have always lamented that Mr. Kabrajee, possessing, as he does, considerable parts and no small amount of journalistic aptitude, should not have had the advantage of a liberal education and culture in early life. I believe it is owing to this fatal defect in his early training, that he is deficient in the

firm grasp of principles. So long as he was wise enough to accept them, as handed down to him by the first founders of the paper, the risk of going astray was in a great measure obviated. But woe to him if he cut the moorings on which he was firmly and safely anchored. And this is the misfortune that has now befallen Mr. Kabrajee. Misjudging the real significance of the phenomena of individual jealousies and rivalries between Parsees and Hindus, and resenting them when affecting his own friends, he has failed in perceiving that this is a very different thing from hostility between community and community. There are individual jealousies and rivalries—and sometimes bitter ones too—between Englishmen and Scotchmen, but they are none the less united as Britons. I don't deny that there may be, that there are, individual jealousies between Parsees and Hindus, but none the less therefore have they common aims, common aspirations and common interests as the natives of this country, in the presence of an impartial ruling authority which can make no difference between them on the ground of race or religion. To preach to the Parsees a policy of isolation and selfishness is to fall a prey to the same short-sightedness and sophistry which we have all so often denounced; Mr. Kabrajee, not the least of all when inculcated by people like Mr. Maclean, on behalf of their own people. How often have we all pointed out that to ask Englishmen to look to their own interests in this country, is not only selfish but short-sighted and unwise. To ask the Parsees to isolate themselves and their interests from those of the other natives of this country is to preach something not only equally selfish, but a great deal more short-sighted and unwise. In our case, it would be almost a suicidal policy. Its ultimate effect would be only to reduce us to insignificance. We are a power in this Presidency as a small but enlightened and enterprising portion of the natives of this country, and as such participate in its greatness. Isolated as Parsees, pure and simple, holding

ourselves aloof from the other natives of the country, without common interests, common sympathies, and common co-operation, we might still remain an interesting community, but of no account whatsoever in the great march of events moulding the lofty destinies of this magnificent land. Mr. Kabrajee affects to pose as a true Parsee, and has tried to persuade people, by resorting to tricks of misrepresentation which I certainly cannot call high-minded, to make me out to be otherwise. If he wishes to become a favourite of the Parsees in this way, I will ask him to remember Dr. Johnson's definition of a *favourite*: 'A mean wretch whose whole business is *by any means* to please.' But to my mind, a Parsee is a truer and a better Parsee, the more he is attached to the land which gave him birth, the more he is bound in brotherly relation and affection to the children of the soil which helped us in our hour of need, which gave us kindly hospitality in our exile, and which has given us shelter and nourishment for 1,200 years. The new gospel, to which Mr. Kabrajee and those who think with him have become proselytes, is a false and lying gospel, which can only hope to make its way by addressing itself to the lower, selfish, and more ignoble passions and sentiments of our nature. But I would ask them to ponder well on the one great eternal truth which is embodied in the teaching of our great prophet Zoroaster. He has taught us that the universe is the scene of an eternal and infinite conflict between light and darkness, between Hormazd and Ahriman, in which the former is slowly but surely prevailing. This great truth is of universal application. In the individual, in the community, the same struggle is in progress. This truth as regards the individual is impressively portrayed in a little novel, published a short while ago, called Dr. Jekyll and Mr. Hyde, which, perhaps is not unknown to many of your readers. It hinges its plot on the conflict between the two sides of a man's nature, the higher and the lower one, embodying each for the time being in a

separate and distinct individuality. It is equally so with regard to communities. There is a perpetual struggle going on between its selfish and ignoble, on the one hand, and its higher and nobler tendencies, on the other. Mr. Kabrajee's gospel appeals to the former, I appeal to the latter. But I will ask him to bear in mind that the final victory is for light, for Hormazd, while Ahriman is destined to eternal perdition and darkness. The early founders of the *Rast* had a firm and enlightened grasp of this great truth. It is a matter of infinite regret that it should now be unloosed from its old moorings, and sent whirling and tossing in a sea of inconsistencies gross and palpable, and of misrepresentations over and over exploded. There will be no joy nor peace for it, till it returns to its old haven of safety, till it goes back to its old traditions and principles, till it recognizes again the fraternity of all the native communities of this country, and the immutable bond which joins them together in the pursuit of common aims and objects under a common Government.

I have written all this in no spirit of personal hostility. Only an anxious regard for the good name and fame of the community has driven me to write. It is so easy to slide down, so difficult to mount higher and higher. Probably Mr. Kabrajee will fail to see any coherency or relevancy in these rambling thoughts. But then he must remember what the homely old adage says, "None are so blind as those who will not see."

PHEROZESHAH M. MEHTA.

ADDRESS AS CHAIRMAN OF THE RECEPTION COMMITTEE OF THE FIFTH CONGRESS.

[*Mr. Pherozeshah M. Mehta delivered the following address as Chairman of the Reception Committee of the Fifth Indian National Congress held at Bombay in December 1889.*]

On behalf of the Reception Committee, I beg to tender to you all, Delegates of the Fifth Indian National Congress, a cordial, sincere, and earnest welcome. (Cheers.) It would be at all times a high pleasure and privilege to receive and welcome so many and such distinguished gentlemen from all parts of the country. But when I remember that, though you may not be the chosen of the people by any scientific mode of election, you virtually and substantially represent them, their wants, wishes, sentiments and aspirations, in all the various ways in which representation manifests and works itself out in the early stages of its progressive development, that pleasure and that privilege are infinitely enhanced. (Cheers.) There is, besides, a peculiar zest in our welcome of you; for in welcoming the Congress to Bombay, we welcome it back to 'its own native land.' (Cheers.) I well remember the day this time four years ago, when, anxiously but hopefully, we launched the Congress on its enterprise—not of supplanting the existing rulers of the country, but of supplementing the endeavours of the best and most sagacious among them by proposing modifications and developments based on our peculiar and native knowledge and information, and suggested gratefully by that enlightenment and education, which is one of the most precious gifts bestowed upon us by British rule. (Loud and prolonged cheering.) The young enthusiast, whom we thus started, has now come back to us, robust and manly, broadened and strengthened, with a record of achievement of which we may be justly proud. (Renewed cheering.) Even the indirect political gains of the Congress have not

been inconsiderable. It has brought vividly into clear and emphatic recognition that most important fact of the growth of the national idea amongst us. Despite social and religious differences, we have all begun earnestly to realize that we are fairly on the way to a common national existence, united and bound together by the common political ties of an equal, impartial and enlightened rule, just as the United States have raised up the American Nation on the basis of an infinite diversity of races and creeds. When we call the Congress national, we give expression to this nationalizing tendency which is now so powerfully leavening New India. (Hear, hear and cheers.) Instead of being jealously resented and angrily denounced, this free and frank acknowledgment of the grandest outcome of British rule ought to be welcomed as a sure token of our rational and discerning loyalty (cheers), at least by those who are always so mightily distressed that we do not set up a perpetual hallelujah in praise of it, in season and out of season. (Renewed cheers.) Then, gentlemen, the labours of the Congress have contributed to do that which is a necessary prelude to all reform, a thorough sifting and searching of some of the most vital of Indian political problems. Nothing that passion or prejudice or malice could urge has been left unsaid. And now that the proposals of the Congress have bravely stood the test, our opponents have recourse to the familiar device, which is so often employed to cover retreat, and they are lost in wonder that we are making so much fuss about things which have nothing new in them, and which have been long contemplated by many an Anglo-Indian statesman at the head of affairs. Now, gentlemen, we are quite ready at once to plead guilty to this not very dreadful impeachment. (Laughter.) But though it may not be said of these statesmen what was once said of the anti-Reform party in England, and can certainly be said of some Anglo-Indians, that they never have anything kind or generous to say of the Indian people, this

may surely be said of them, that though they do sometimes have something generous to say of the Indians, they have never shown the slightest disposition to confer upon them any portion of political rights. If the Congress has done nothing more than quicken into action these political *yogis*, so long lost in contemplation, it will not have laboured in vain. (Hear, hear and cheers.) Laden with these and other gains the Congress has now come back to us, but not without undergoing trials and ordeals, two of which have been of exceptional severity. The first tactics employed by our opponents was to create disunion and dissension among ourselves. (Cries of shame.) Well, gentlemen, in a country so vast and varied as India, it would be impossible, it would be unnatural to expect perfect and absolute unanimity. (Hear, hear.) It is no wonder that we have our halt, our lame, and our blind, and that they should hobble off to what I may call the Indian political cave of Adullam at the call of Sir Syed Ahmed and Rajah Shiva Prasad. But when two gentlemen, so amiable, so patriotic, so anxious to display their loyalty, were united together in one party and formed the Anti-Congress United Patriotic Association, the same difficulty arose that was described by Mr. Bright, from whom I have borrowed my illustration, as having arisen in the case of the anti-Reform Adullamites. They were so like the Scotch terrier, who was so covered with hair that you could not tell which was the head or which was tail of it. (Laughter and cheers.) Sir Syed Ahmed pulled vigorously one way, Rajah Shiva Prasad as vigorously the other; and they so pulled between them the poor popinjay they had set up, that it burst, and poured out—to the amazement of a few and the amusement of us all—not the real patriotic stuff with which it had been announced to be filled, but the whitest and the purest sawdust. (Renewed laughter and cheers.) The utter collapse of this vaunted Patriotic Association has taught our opponents a significant lesson. Every blandishment had been employed to lure prince

and peasant; but prince and peasant alike would have none of it. It would be difficult to gather a more convincing, if passive and indirect, proof that the heart of the country is with us, and that it understands and appreciates the honesty, the loyalty, and the propriety of the movement. (Cheers.) I should like to say here one word to the delegates from Bengal and the N.-W. Provinces, lest they should imagine that I have referred to these events, which pertain more particularly to their provinces, with the object of indirectly boasting of our own immunity from human frailty. (Cries of "No, no.") Let me at once proceed to assure them that we in this Presidency have also our halt, our lame, and our blind. We also have had our little cave of Adullam. (Laughter and cheers.) But I am glad to be able to inform you that we have taken the infection very mildly, and that there is every hope of a speedy and complete recovery. (Laughter and cheers.) Baffled in the attempt to disunite us, our opponents had recourse to a measure of extraordinary virulence. They raised against us a cry as terrible as the cry of heresy which was sometimes raised in the old days of the Inquisition to crush an obnoxious personage, otherwise unimpeachable and invulnerable. They raised against us the cry of sedition and disloyalty. (Cries of 'shame.') It was a cry well calculated to create alarm and uneasiness even among persons otherwise well disposed towards us. The Congress has, however, met the charge firmly and boldly (cheers), by a steadfast appeal to the authoritative record of our words, thoughts and deeds, and to the personalities of the members composing it year after year. (Renewed cheers.) It was conclusively shown that the charge was founded on calumnies, lies and misrepresentations. (Renewed cheers.) Then, gentlemen, something like the old story of the wolf and the lamb enacted itself. True, you may not be disloyal yourselves, said the wolf, that does not matter at all; it is quite enough that your great-grandfathers were, and your great-grand-children

might be. The Congress has, however, emerged unscathed even from this trial. Never was a greater truth uttered than that to which our esteemed friend Mr. Caine gave utterance, that we of the Congress are more loyal than Anglo-Indians themselves. (Loud cheers.) If by loyalty is meant a keen solicitude for the safety and permanence of the Empire, in which we are firmly persuaded, lie implanted the roots of the welfare, the prosperity, and the good government of the country, then we are certainly more loyal than Anglo-Indians, who do not hesitate frequently to subordinate the interests of that safety and that permanence to the seductions of conquest and vainglory, or to the immediate gains and temptations of commercial enterprise. (Hear, hear and cheers.) Therefore it is that all our greetings of welcome go forth to you, and with a full heart we wish you God-speed in your labours. Those labours have for their aim and object measures of which the central idea has been recently admirably summarised by one of the most sober and sagacious of modern politicians, Sir Charles Dilke, when he said that the time had now arrived when it was neither safe nor expedient to continue to carry on the administration of the country at the hand of a secret and irresponsible bureaucracy, and that working on lines already laid down, a distinct step in advance should now be made. The policy of the Congress is thus a policy, not seditious or revolutionary, but 'conservative of the public welfare, strengthening the just authority of the British Government, and adding day by day fresh lustre and dignity to the Imperial Crown.' (Loud cheers.) I do not know whether we are doomed to failure or destined to succeed; but the blessing which rests upon all high and honest endeavours will surely rest upon a mission imposed by duty, sanctified by patriotism and guided by loyalty. (Cheers.)

And now, gentlemen, I know you will not allow me to conclude without giving utterance to the deep thankfulness which we feel at the presence among us to-day of

one whom we have learned to hail as the Member for India in the British House of Commons. (Loud cheers and cries of "Cheers for Mr. Bradlaugh.") The strength and greatness of the English character has been proudly sung by one of their most charming poets in lines with which we are familiar:—

> Pride in their port, defiance in their eye,
> I see the lords of humankind pass by.

But it has always seemed to me that English strength and greatness consist in nothing so much as in the lofty conception of moral and political duty which illumines the life and career of many an illustrious Englishman. We still mourn the loss of that great and good man whose heart was always with us, and whose voice was always raised for us during many a long and eventful year. The memory of John Bright is reverently enshrined in our hearts. His place was filled by one whose life has a singular charm for all who prize sober simplicity and nobility of character above rank and riches, I mean Professor Fawcett. (Cheers.) The mantle has now descended upon Mr. Bradlaugh. (Renewed cries of "Cheers for Mr. Bradlaugh.") We sincerely and unaffectedly joined in the general grief at his recent illness, not out of selfish fears of losing our chosen champion, but out of that simple feeling of sorrow which all men feel when peril threatens a life devoted to high and unselfish ends. I know I am not employing the language of exaggeration when I say that our hearts are unutterably stirred within us at his presence among us to-day, restored to health and usefulness. (Cheers.) With no particular thoughts of the Congress in our minds, let us wish him that simple welcome which is in all our hearts and the hearts of people all over the country. And having now delivered to you my message of welcome, I invite you to proceed to elect your President. (Loud and prolonged cheers.)

SPEECH ON LORD REAY.

[*A Public Meeting was held in the Town Hall, Bombay, on Wednesday, the 9th April, 1890, for the purpose of arranging to raise a suitable memorial to commemorate the distinguished services of his Excellency the Right Honourable Donald James Mackay, Lord Reay, LL.D., G.C.I.E., as Governor of Bombay. Mr. Budruddin Tyabji moved the following resolution :—'That this meeting representing the various communities of Western India desires to place on record the deep sense of gratitude entertained by them for the eminent services to this Presidency rendered by his Excellency Lord Reay, G.C.I.E., LL.D., during his term of office as Governor of Bombay'. Mr. Pherozeshah M. Mehta made the following speech in seconding the resolution.*]

It was with very great pleasure that he seconded the resolution which his friend Mr. Budruddin Tyabji had placed before them with such ability and eloquence. Some of them would remember an interesting ceremony that was performed sometime ago at the Victoria Technical Institute when the late popular and esteemed Commander-in-Chief, H. R. H. the Duke of Connaught (loud applause) unveiled a portrait of Lord Reay. The portrait was taken of his Lordship before he came out to India and bearing in mind the sad havoc which this much abused climate was supposed to work on European constitutions in spite of lawn-tennis and the hills, it was fully anticipated that it would reveal a stronger, healthier, and brighter Lord Reay. But to the amazement of the audience the portrait, when unveiled, disclosed an entirely contrary state of things. (Laughter.) It was the overworked Lord Reay of their acquaintance who turned out to be robuster and more cheerful than the Scottish Chief of ' brown heath and shaggy woods.' An uneasy doubt arose in the minds of all present as to whether his Excellency had not been a fraud (laughter), and a gaze of stern enquiry was fixed on him as he rose to reply. But the doubt was soon dispelled and it was found that there was a complete and satisfactory explanation. Never mind the climate, there was

no tonic more bracing and health-giving than that of hard, honest, conscientious work. (Applause.) He thought he could venture to say that neither malice nor prejudice had been able to deny that throughout the whole period of his office, Lord Reay had brought to bear upon the discharge of its functions an untiring assiduity, a conscientious care and a devotion to duty which had been equalled by few and surpassed by none of his predecessors. (Loud applause.) And if they realized to themselves how arduous and various had become the administration of a Presidency like this, even when surrounded by the most accomplished councillors, they would acknowledge that this merit, even by itself, was no small title to their respect and gratitude. (Applause.) But the physical change in his Lordship to which he had alluded seemed to him to correspond perceptibly to a development of his moral capacity as ruler and Governor. When Lord Reay came out, it was true a high reputation preceded him. Still there were people who insinuated their fears that he might prove a doctrinaire, which was a nickname sometimes given to people who possessed a *firm grasp of principles and the courage of their convictions*, by those who possessed neither. Well, Lord Reay's term of office was now over, and he thought he carried their verdict with him when he said that he had proved himself a sober and practical administrator and a wise, cautious, and sympathetic statesman. (Loud applause.) He had not rushed into sudden changes or violent reforms; he had borne in mind that, as a practical administrator, it was necessary to preserve a certain continuity of policy if the Administration was not to be dislocated. (Applause.) But neither had he forgotten to keep in mind the principles of justice, liberality and righteousness on which the declared policy of the crown in this country was, to its eternal honour, now irrevocably, as it had been deliberately based. He had not startled or alarmed their English friends by attempting to give them representative institu-

tions though he (the speaker) was bound to say that he knew of nobody who had asked for them in this or in any other Presidency, no, not even the Congress. (Applause and laughter.) But neither had he shown the slightest sympathy for the policy which was once so admirably described by Mr. Bright as of those who held that, having won India by breaking all the Ten Commandments, it was now too late to attempt to govern it on the principles of the Sermon on the Mount. Then Lord Reay had possessed another trait, invaluable in a ruler of men. The sympathetic character and robustness of his policy had been conspicuously manifest in his desire to understand the real wants, wishes, and sentiments of the people and in the courage with which he had invited and welcomed knowledge, information and criticism from all quarters. (Loud applause.) While thus calmly and judiciously administering the affairs of the Presidency, Lord Reay was not lacking in firmness where firmness was required. He never faltered nor wavered when misconduct and corruption had to be exposed and eradicated. (Applause.) He (the speaker) thought it would yet come to be universally acknowledged that his action in such matters had not only been in the interests of the purity of the Administration and of the public welfare, but also in the best interests of the honour and prestige of the services of which England was justly proud and of the English name. (Loud applause.) He would not tire their patience by referring to the innumerable works of public charity and utility which owed their existence to the judicious manner in which Lord Reay had known to mingle Government aid with private liberality. They might say with just pride that the stream of charity in Bombay went on like the brook for ever. But never in her maddest days, not even during the times of the share-mania, when colossal fortunes were supposed to spring up like mushrooms, had Bombay founded so many and such useful institutions as had been the case in these sober days under the wise counsel, direction and

encouragement of Lord Reay. (Loud applause.) They would serve as perpetual memorials of the eminently beneficent and philanthropic character of his administration. He might not be able to boast that he found Bombay of stone, and left it of marble. But he could certainly say that he found Bombay proud of her architectural buildings, he left it proud of her hospitals, her laboratories and her asylums. (Applause.) There was another topic to which he would ask their indulgence to allow him to refer especially as it involved a sort of personal explanation. It was imagined that he and some others who thought with him had been jealous of the favour shown by Lord Reay to the cause of technical education. So far from that being the case, he was glad to have this opportunity of saying publicly that the greatest credit was due to his Lordship for the vigorous way in which he had promoted technical education in this Presidency, and the establishment of the Victoria Technical Institute would always remain a monument of his sagacity in putting the industrial progress and welfare of the Presidency on a sound and permanent footing. (Loud applause.) But having said this much, he (Mr. Mehta) would honestly own to a disappointment with regard to one side of Lord Reay's educational policy. In the memorable address he delivered last year at the University, Convocation some of them would perhaps remember a noble passage in which he told them that the spread of secondary and higher education had no fears for him; but he proceeded to point out that that education must be of a real and efficient character. Now he would ask an honourable member of Council whom they were glad to see amonst them that day—he would ask Sir. R. West, who to his other accomplishments added that of being an eminent educationist, if anything had been done to remove the grave defects in the equipment of the high schools and colleges which he laid bear before the Education Commission. Till that was done he emphatically said that it was much too premature

and disastrous to talk of transferring them to private enterprise. Important as was the cause of primary education, important as was the cause of industrial training, the cause of higher and secondary education in this country was of still more paramount importance both from a political and economic point of view. (Applause.) His grievance against Lord Reay was, not that he had done too much for technical education, but it was that he had not done enough for liberal education. And now having unburdened himself of his one grievance against his Lordship he would not detain them further. Enough had been said to show that he had administered the affairs of this Presidency with ability and wisdom. And if to win the confidence, respect, affection and admiration of the people over whom he ruled, was a test of success, then he had been also eminently successful in doing so. For that was a sure way to promote the loyalty and contentment of the people and thus to broaden and strengthen the foundation on which the safety and permanence of the empire might most surely last. (Loud and continued applause.)

CONGRESS PRESIDENTIAL ADDRESS.

[*The following address was delivered by Mr. Pherozeshah M. Mehta, as President of the Sixth Indian National Congress, held at Calcutta, on the 26th, 27th, 29th and 30th December, 1890.*]

LADIES AND GENTLEMEN,—I beg to tender to you my most sincere thanks for the honour you have done me in calling me to preside over your deliberations this year. I cannot imagine a greater honour for a native of this country than to be elected, by your free and spontaneous suffrages, President of an assembly which is now one of the recognized institutions of the country—an unconventional Convention of the Empire which, we may say without undue ostentation, has already earned a place in history,—not less surely, let us trust, than the famous St. Andrew's Dinners of this city,—as marking an epoch in the march of events moulding the lofty destinies of this magnificent land. In speaking of myself as a native of this country, I am not unaware that incredible as it may seem, Parsis have been both called, and invited and allured to call themselves foreigners. If twelve centuries, however, entitle Angles and Saxons, and Normans and Danes, to call themselves natives of England, if a lesser period entitles the Indian Mahomedans to call themselves natives of India, surely we are born children of the soil, in which our lot has been cast for a period of over thirteen centuries, and where, ever since the advent of the British power, we have lived and worked, with our Hindu and Mahomedan neighbours, for common aims, common aspirations, and common interests. To my mind, a Parsi is a better and truer Parsi, as a Mahomedan or a Hindu is a better and truer Mahomedan or Hindu, the more he is attached to the land which gave him birth, the more he is bound in brotherly relations and affection to all the children of the soil, the more he recognizes the fraternity of all the native communities of the country, and the immutable

bond which binds them together in the pursuit of common aims and objects under a common Government. Is it possible to imagine that Dadabhai Naoroji, for instance, true Parsi that he is, is anything but an Indian, living and working all his life for all India, with the true and tender loyalty of a son? Can any one doubt, if I may be allowed to take another illustration, that Sir Syed Ahmad Khan was greater and nobler when he was devoting the great energies and talents with which he is endowed,—if for the benefit of Mahomedans in particular,—for the benefit of all Indians in general, than when, as of late, he was preaching a gospel of selfishness and isolation? The birthright, therefore, gentlemen, which the Parsis thus possess of so indefeasible and glorious a character, they have refused and will always refuse to sell for any mess of pottage, however fragrant and tempting. (Loud cheers.) More especially, therefore, as an Indian it is that I return to you my grateful thanks for the honour you have done me.

I have ventured, gentlemen, to ascribe to the Congress the credit of making an epoch in Indian political progress. A very brief survey of the incidents of the twelve months that have elapsed since we last met, will amply justify our title to that distinction. In the admirable address which was delivered by my predecessor in this chair at Allahabad, Mr. Yule pointed out that all movements of the kind in which we are concerned pass through several phases as they run their course. The first is one of ridicule. That is followed, as the movement progresses, by one of abuse, which is usually succeeded by partial concession, and misapprehension of aims, accompanied by warnings against taking big jumps into the unknown. The final stage of all is a substantial adoption of the object of the movement, with some expression of surprise that it was not adopted before. Well, gentlemen, we have pretty well passed the first two stages. We have survived the ridicule, the abuse, and the misrepresentation. We have survived the charge of sedition and disloyalty.

We have survived the charge of being a microscopic minority. We have also survived the charge of being guilty of the atrocious crime of being educated, and we have even managed to survive the grievous charge of being all Babus in disguise. (Laughter and cheers.)

The question of our loyalty is set at rest for ever. In the debate on Lord Cross's India Reform Bill in the House of Lords, Viceroy after Viceroy bore emphatic testimony to the loyal and peaceful character of our aims and efforts. Within the last few days the voice of no less a personage than one of our former Secretaries of State has confirmed this testimony. Lord R. Churchill —it is to no less distinguished a public man that I refer—has publicly declared that 'he could sincerely remark that no one will rejoice more than himself if the deliberations of the Indian National Congress shortly to be resumed were to contribute effectually to the progress and the welfare of the Indian people.' Then, gentlemen, it is made clear that we have not learnt the lessons of history so badly, as to demand the introduction of the full-blown representative institutions which in England have been the growth of centuries. It is made clear that we have not asked for even such a modicum as was enjoyed by the English people even before the time of Simon de Montfort, more than five centuries ago, nay, that we have not asked even for representative institutions of a governing or ruling character at all. Indeed, so far as this historical argument is concerned, we have not alone proved that we have *not* been guilty of disregarding it, but we have been successful in turning the tables upon our adversaries. We have shown that it is they who defy the lessons of history and experience when they talk of waiting to make a beginning, till the masses of the people are fully equipped with all the virtues and all the qualifications which adorn the citizens of Utopia, in fact, till a millennium has set in, when we should hardly require such institutions at all. We have shown that people who indulge in such vain talk have never

understood the laws of human progress, which, after all, is a series of experiments, in which men and institutions re-act upon each other for their mutual improvement and perfection. We have also proved that, in spite of our education, and even with our racial and religious differences, the microscopic minority can far better and far more intuitively represent the needs and the aspirations of their own countrymen than the still more microscopic minority of the omniscient district officers, whose colloquial knowledge of the Indian languages seldom rises above the knowledge of English possessed, for instance, by French waiters at Paris Hotels which proudly blazon forth the legend—' Ici on parle Anglais' ; and whose knowledge of native domestic and social life and ways and habits of thought seldom extends beyond a familiarity with flattering expressions of the Saheb's greatness and paternal care, sometimes inspired by courtesy and sometimes by interest. An amusing story was related to me of a little incident that occurred only the other day which is not without instruction as illustrating the amount of knowledge possessed by Anglo-Indians of the people among whom they have moved for years. The wife of a member of Parliament, who has come out on a visit to India this year—herself as distinguished as her husband for her kindly sympathy in Indian welfare—was sitting at dinner next to a learned member of my profession, who, in the course of conversation, grew humorous and sarcastic by turns, in the fashion of Mr. Rudyard Kipling, on the ridiculous and outrageous pretensions of globe-trotters to know the country and its people better than Anglo-Indians who had lived in it for years. He was rattling away, well satisfied with himself and the impression he thought he was producing on the lady, when with the sweetest of smiles, she gently asked him how long he had been himself in India. Fifteen years—more or less —was the answer. I suppose you know well Mr.——, naming a gentleman whose recent elevation to the Bench of one of our High Courts was received everywhere

with pleasure and approbation. Of course, I do, said his brother in the same profession. Can you tell me if he has only one wife or more than one? Slowly came the answer, No, I fear, I can't. Well I can tell *you*; you see I have been only a few days in the country, said the lady quietly, and yet I think I know a thing or two which you don't. I trust my learned friend, who is the hero of this story, was properly grateful to the lady for giving him some serious food for reflection.

Then, gentlemen, our right to the designation of a National body has been vindicated. It is so admirably set forth in an article which appeared in a Conservative Review—the *National*—from the pen of a Conservative, who, however, speaks from the fulness of intimate knowledge, that I cannot resist the temptation of borrowing from it. 'The supposed rivalry,' says the writer, 'between Mussulmans and Hindus is a convenient decoy to distract attention and to defer the day of reform. I do not wish to affirm that there is no antagonism between the adherents of the two faiths, but I do most positively assert that the antagonism has been grossly exaggerated. Every municipal improvement and charitable work finds members of the two faiths working together and subscribing funds to carry it out. Every political paper in the country finds supporters from believers in both creeds. Just the same is witnessed in the proceedings of the Congress. The members of the Congress meet together as men, on the common basis of nationality, being citizens of one country, subjects of one power, amenable to one code of laws, taxed by one authority, influenced for weal or woe by one system of administration, urged by like impulses to secure like rights and to be relieved of like burdens. If these are not sufficient causes to weld a people together into one common alliance of nationality, it is difficult to conceive what would be sufficient. It is for this reason the organization has been called the Indian National Congress; not because, as many besides Mr. Keane have assumed, that it claims

a non-existent unity of race, but because it deals with rights and interests which are national in character, and matters in which all the inhabitants of the Indian peninsula are equally concerned.'

I think we may take it, gentlemen, that we have passed through the first two stages, and that the loyalty, the moderation, the propriety, and the constitutional and national character of our mission are now established beyond a doubt. But, however arduous and however provoking some of the experiences of the trial through which we have passed, they should not leave any trace of bitterness behind. For, let us not imagine that they were devoid of chastening and beneficial effects upon ourselves. Let us frankly acknowledge that they also must have had their share in contributing to add clearness to our thoughts, sobriety to our methods, and moderation to our proposals. If I might use a proscribed, but not unscriptural, phrase we must give even the devil his due. (Laughter.)

It is on the third stage—the era of achievement—that we have now entered. It is true that a majority of the Congress proposals do not still seem to have made much headway. Even as regards the proposal to separate the Executive and the Judicial functions, lauded by Lord Dufferin 'as a counsel of perfection to which the Government were ready to subscribe,' Government are yet so absorbed in admiration of it that they have not recovered themselves sufficient to action. There is, however, no reason to despair. It was once proved upon sworn testimony in the Bombay High Court, before the late Chief Justice Sir M. Westropp that a woman required 22 months for parturition in the air of the province of Kathiawar. It is not impossible, gentlemen, that the air of Simla may similarly necessitate a more than ordinarily long period of gestation to perfect even counsels of perfection; and therefore we must possess our souls in more than ordinary patience, lest any precipitate pressure might occasion a miscarriage. (Laughter.)

In one little matter, complete success has attended our efforts, *viz.*, as regards the duty on silver-plate. The Abkari cause is also safe in the custody of that redoubtable champion, of whose formidable prowess you can form some idea, when you remember that it was he who so completely put to rout Mr. Goschen's Compensation clauses. It is a matter of no small congratulation to us to welcome Mr. Caine as one of our own delegates. He first came out to this country with a free and open mind on the Congress question; with that fearless independence which characterizes him, and which always when I see him recalls to my mind those famous lines of Burns—'The man of independent mind is king of men for a' that'—, he went for his education to Aligarh. Thanks to Mr. Th. Beck and Sir Syed Ahmad, he has come to us, not only a staunch Congressman in principles, but as one of the Indian Political Agency, he has thrown his indomitable energy and his high-souled advocacy into active support of the movement. Mr. Caine can truly boast that, if he has not succeeded in extorting from Mr. Pritchard and all the most zealous Abkari officers the confession that they are Bacchus and his crew in disguise, they dare not, at least, throw off their masks, while his watchful eye is upon them, but must continue to do penance in the assumed garb of uncomfortable and uncongenial principles. Leaving Christian to continue his combat with Apollyon, it is when we come to the central proposal of the Congress regarding the Legislative Councils, for the purpose of expanding and putting life in them, that we can congratulate ourselves on being on the verge of an important step. Many have been the circumstances, and many the forces and influences, that have contributed to this result. First and foremost among them is the circumstance that, without legal votes and legal qualifications, we have had the good fortune to become possessed of a member of our own in Parliament. Do not imagine, gentlemen, that Dadabhai Naoroji or Lalmohan Ghose has at length

been returned. But what member, even if we had the direct franchise, could have served us as Mr. Bradlaugh has done during the last twelve months? To say that the whole country is grateful to him for the untiring energy, the indefatigable care, the remarkable ability with which he has watched and worked for its best interests in that House, where he has achieved so honourable a position for himself, can only most imperfectly express the depth and extent of the sentiments that are felt for him throughout the length and breadth of the land. His name has literally become a household word. He is raising up to himself a memorial in the hearts of the people of India, which will reflect more lustre on his name than titles and orders, and endure longer than monuments of brass or marble. (Loud cheers.)

We have been fortunate indeed in securing the sympathies of such a champion. No sooner did he return to England than he at once proceeded to redeem the promise he had made on that behalf, by introducing in the House of Commons his India Councils Reform Bill, drawn on the lines which were sketched and formulated at the last Congress, and with which you are all familiar under its justly deserved brief designation of the Madras Scheme. Two important results were the immediate outcome of this step. The scheme which was thus propounded was in its nature a tentative measure, so far as its details were concerned; and it at once drew forth useful and guiding criticism. In several respects its scope was misunderstood, especially as regards its supposed sweeping character which might have been avoided, had we specified in the Congress skeleton sketch the restrictive limitations hedging the qualifications of the electorate. The criticisms of men like Sir W. Hunter and Sir R. Garth, for whose thoughtful, sympathetic and friendly attitude towards Indian progress we are always so deeply grateful, exposed, however, one defect demanding serious consideration, *viz.*, that the scheme was laid on new lines, and had a somewhat theoretical air, which

Englishmen rather fight shy of in practical politics. In justice to the scheme, however, it should be said that Sir Richard Garth put his finger on a possible, rather than a probable, result when he thought that it would enable the Hindus to submerge the other Indian communities. Experience has shown that even in a preponderating Hindu electorate it does not happen that Hindus only are elected, as so many other, besides racial, forces and interests concur in influencing the selection. If we may apply the lessons learnt from experience in municipal elections, I may mention the remarkable fact that in the Town Council or what is now called the Standing Committee of the Bombay Corporation, composed of 12 members, there have been frequently five Parsis, three Europeans, two Hindus and two Mahomedans. Sir R. Garth's criticism on this point, however, throws out a warning which should not be hastily disregarded.

But the next result, which the introduction of Mr. Bradlaugh's Bill achieved, was gratifying in the highest degree. It at once dispelled the fit of profound cogitation, in which men at the head of Indian affairs are so apt to be lost, that they can never spontaneously recover from it. Lord Cross's Indian Councils Bill promptly saw the light of day in the House of Lords. It was at once the official recognition of the *raison-d-être* of the Congress, and the first fruits of its labours. In itself, however, it was a most halting and unsatisfactory measure. In framing it, the Prime Minister and the Indian Secretary of State, seem to have been pervaded with a conception of the Indian people as a sort of Oliver Twist, always asking for more, to whom it would be therefore a piece of prudent policy to begin with offering as little as possible. The Government Bill may be aptly described as a most superb steam-engine in which the necessary material to generate steam was carefully excluded, substituting in its place coloured shams to look like it. The rights of interpellation and of the discussion of the Budget were granted, but the living forces of the elective

principle, which alone could properly work them, were not breathed into the organization of the enlarged Councils. The omission of the elective principle from the Bill was boldly justified by Lord Salisbury on the ground that 'the principle of election or government by representation was not an Eastern idea, and that it did not fit Eastern traditions or Eastern minds.' I wish to speak of his lordship with all the respect to which his high talents and great intellectual attainments justly entitle him; but it is not a little surprising as well as disappointing to find the Prime Minister of England, a statesman who, as Lord Cranbourne, was once Secretary of State for India, displaying such profound ignorance of the history of the Indian people and the genius of the Indian mind. The late Mr. Chisolm Anstey, a man of immense erudition, once pointed out at a meeting of the East India Association in London, that 'we are apt to forget in this country when we talk of preparing people in the East by education, and all that sort of thing, for Municipal Government and Parliamentary Government, that the East is the parent of municipalities. Local Self-Government in the widest acceptation of the term, is as old as the East itself. No matter what may be the religion of the people who inhabit what we call the East, there is not a portion of the country from west to east, from north to south, which is not swarming with municipalities; and not only so, but like to our municipalities of old, they are all bound together as in a species of network so that you have ready-made to your hand the framework of a great system of representation.' Sir H. Maine has shown that the Teutonic Mark was hardly so well organized or so essentially representative as an Indian village community, until the precise technical Roman form was engrafted upon it. (Cheers.)

But leaving village communities alone, what do we find at the present day over the whole country but all sorts and conditions of people, from the highest to the lowest, meeting together and transacting the business of

their numberless castes, in assemblies which in their constitution and their mode of working, are the exact prototypes of the Saxon Witans, from which the English Parliamentary institutions have sprung. It is true that circumstances never allowed the representative genius of the people to develop forms and organizations for higher political functions. But it is no less true that the seed and the soil are there, waiting only for the skilful hand, and the watchful mind, which we of the Congress firmly believe we have secured in the presence of Englishmen in this country. The disdainful attitude of Lord Salisbury as to our aptitude for representative institutions need, however, bring no despair to our minds. His late chief, Lord Beaconsfield, once said of him on a memorable occasion that he was a man who never measured his phrases or his sweeping assertions. On the contrary, I draw an augury of good hope from his pronouncement and that made by his son Lord Hugh Cecil, that 'the Indian was not only a good Government, but it was probably the best conceivable Government that the population could possibly live under.' On the eve of the passing of the great English Reform Bill, the Duke of Wellington, then the Tory Prime Minister, proclaimed in the same House of Lords that the existing constitution of the House of Commons was perfect, and that the wit of man could not *a priori* have devised anything so perfect. The declaration was received by the Liberals as a sure portent of victory; and the Reform Bill was passed within little more than a year after. I trust that the Salisbury pronouncement may prove prophetic in the same way. (Cheers.)

It is needless to discuss Lord Cross's perfunctory measure any further; even with the amendment which Lord Northbrook succeeded in getting accepted, it left the House of Lords in the same lifeless condition in which it entered it. As soon as it reached the House of Commons, Mr. Bradlaugh fastened on it at once. It was true that he had got there his own Bill, but Mr.

Bradlaugh is a master of parliamentary tactics, inferior, if to any, only to Mr. Gladstone. He at once perceived that the supreme struggle was to be no more between one scheme and another, between territorial electorates or local boards, but that every nerve would have to be strained and every resource husbanded, to obtain in the first place recognition of the elective principle. That secured, everything else would follow in its own good time. With a masterly comprehension of the situation, he placed before the House amendments to the Bill, directed to substitute the process of election for that of nomination. The Bill and the amendments have however all gone the way of the majority, and the session closed without the opportunity of discussing them. Profiting, however, by the lessons in which the experience of the last twelve months was prolific, both without and within the walls of Parliament, Mr. Bradlaugh has hit upon the notable expedient of ploughing with Lord Cross's heifer. He has already introduced a new Bill, based on the same lines as Lord Cross's Bill, but vivifying it by the affirmation of the principle for which we are fighting. That Bill he laid before you for your consideration. It will be for you to deal with it in your wisdom. However you may decide, of one thing I am certain, that you will maintain the character for moderation, sagacity, and practical good sense which you have so arduously acquired by your self-sacrificing and noble labours during the five years of the existence of the Congress. It is not for me to anticipate your verdict. But I am sure you will allow me, out of my anxious solicitude for the triumph of the cause we have all so earnestly at heart, to state the reasons which to my mind make so imperatively for the acceptance of the new draft, in which I cannot but recognize the statesmanlike craft and thorough knowledge of the shifting phases of English politics which Mr. Bradlaugh so eminently possesses, and which, as we all earnestly pray, promises to place him at no distant date in the front ranks of politi-

cians in office, as he already is in the front ranks of those not in office. The old draft, admirably devised in some respects,—with many virtues, and a few faults,—has not proved congenial to the English political mind, averse to new departures, and looking askance at theoretical airs of perfection. The new Bill has, on the other hand, all the elements of success in its favour. Its most striking merit is that it gathers round it the cautious, the carefully weighed, and responsible opinions of some of the best Viceroys we have ever had. Lord Northbrook has pronounced in favour of a properly safe-guarded application of some mode of election. The righteous sympathies of the Marquis of Ripon are as warmly with us as ever, and his great authority weighs on the same side. Still more valuable, as coming from a Viceroy who left only the other day, is the measured and calculated approval which Lord Dufferin has recorded in a dispatch, in referring to which I hope I am not making myself liable to the terrors of the Official Secrets Act. In mentioning Lord Dufferin, I will frankly say that we have not sufficiently recognised the great debt of gratitude which we owe to him in this respect, partly, I believe, through ignorance, and partly through misappreciation of the course he adopted, to neutralize opposition against the measures he recommended. An unrivalled diplomatist, his wary statesmanship was apt to assume the hues of the craft of which he is so accomplished a master. He sought an occasion when he could launch his proposals without provoking disagreement, endeavouring rather to conciliate it. The epoch-making St. Andrews Dinner of 1888 offered him the needful opportunity. He knew Scotchmen, and their matter-of-fact character, so inimitably delineated by Charles Lamb. He knew, as that charming essayist tells us, that 'surmises, guesses, misgivings, half intuitions, partial illuminations, dim instincts, embryo conceptions had no place in their brain or vocabulary.' He drew before his hosts a vivid and alarming picture of imaginary Congress pro-

posals—of 'an ideal authoritatively suggested of the creation of a representative body or bodies, in which the official element shall be in a minority, who shall have what is called the power of the purse, and who, through this instrumentality, shall be able to bring the British executive into subjection to their will.' But while his excited and valiant hosts rushed off, crying Scotchmen to the rescue, to tilt at windmills, he quietly threw in a sympathetic recognition of our just and legitimate aspirations, and proceeded to record a minute in which he substantially backed up the veritable Congress proposals. In this dispatch Lord Dufferin has briefly described his scheme as a plan for the enlargement of the Provincial Councils, for the enhancement of their status, the multiplication of their functions, the partial introduction into them of the elective principle, and the liberalization of their general character as political institutions. At this year's St. Andrews dinner, Sir Charles Elliott eulogized Lord Dufferin's speech as epoch-making and fixing the bounds and limits of our demands—'so far and no further.' We are quite content to go as far; we have never asked to go very much further. We may therefore fairly infer from Sir Charles Elliott's speech that he is in accord and sympathy with the main underlying principles of Lord Dufferin's scheme, and we can therefore congratulate the people of Bengal on their good fortune in possessing a ruler whom we can justly claim to be a true Congresswallah at heart. *(*Laughter and cries of *Oh! Oh!)*

I will not speculate without official sanction on the views of the present Viceroy. But I may permit myself to remind you that it was to Henry Marquis of Lansdowne that Macaulay dedicated those speeches, in one of which, dipping far into the future, he spoke about the future Government of India in that noble passage with which we are all familiar: 'The destinies of our Indian Empire are covered with thick darkness. It is difficult to form any conjecture as to the fate reserved for a state which resembles no other in history, and which forms

by itself a separate class of political phenomena. The laws which regulate its growth and decay are still unknown to us. It may be that the public mind of India may expand under our system till it has outgrown that system; that by good government we may educate our subjects into a capacity for better government; that having become instructed in European knowledge they may in some future age demand European institutions. Whether such a day will ever come I know not. But never will I attempt to avert or retard it. Whenever it comes, it will be the proudest day in English history. To have found a great people sunk in the lowest depths of slavery and superstition, to have so ruled them as to have made them desirous and capable of all the privileges of citizens, would indeed be a title to glory all our own.' The dawn of that day which Macaulay foresaw, in dim, but prophetic, vision, is now breaking on the horizon; the curtain is rising on the drama which unfolds the vista to that title to glory. Let us earnestly hope that the present illustrious bearer of the great historic name of Lansdowne, who, by a wonderful ordering of events, has now come to rule over us, may watch the glowing streaks of light with generous sympathy, and may preside over the march of events with timely and provident statesmanship. (Loud cheers.)

This weighty consensus of the best viceregal opinion which I have placed before you, in favour of the principle of the new draft, we may expect to be backed up by the potent voice of that Grand Old Man whom we reverence not only as the greatest parliamentary leader of modern times, but as the individual embodiment of the highest conception of moral and political duty which English statesmanship has reached in the nineteenth century. You are aware that Mr. Bradlaugh has recently declared that he was authorized to say that the course pursued by him in reference to the Government Bill, in endeavouring to obtain a recognition of the elective principle, was approved by Mr. Gladstone, who intended to have

supported him by speech. It would require considerations of overpowering force indeed to persuade us to any course by which we might run the risk of losing such an almost certain pledge of ultimate victory. (Cheers.)

Another potent factor has come into existence within this year, which is calculated to help us materially—if we confine our efforts to the simple issue of election *versus* nomination—in the force of English public opinion, which, without undertaking to pronounce on questions of detail, has now declared itself to a very considerable extent emphatically in favour of the vital principle of election. The credit of informing the English mind and stirring the English conscience on this momentous question belongs to that small band of noble workers who were appointed at the last Congress to plead the cause of India before the great English people in their own country, and who cheerfully crossed the seas in obedience to such a call of duty, without counting the inevitable cost and sacrifice. The task which they undertook was a formidable one; they have discharged it in a manner of which it is difficult to speak too highly. Of the leader of that band I cannot trust myself to speak with sober moderation, when I remember that it is to his genius we owe that flash of light which pointed out the creation of a body like the Congress, as fraught with the promotion of the best interests of English rule in India. I know there are numerous claimants for the credit of the idea; but if I may be pardoned for employing the rudely forcible language of Carlyle, 'the firepan, the kindling, the bitumen were his own; but the lumber of rags, old wood, and nameless combustible rubbish (for all is fuel to him) was gathered from hucksters and of every description under Heaven. Whereby indeed hucksters have been heard to exclaim: Out upon it, the fire is *mine*.' He brought to bear upon his new enterprise the same zeal and fervour, combined with thoughtful judgment, that he has unsparingly bestowed for so many

years upon the cause to which he has devoted his life. His presence on the Congress Deputation entailed a further sacrifice and affliction, for which we can offer no consolation or reparation except our deepest and most respectful sympathy. In his great and noble mission, Mr. Hume (loud cheers) had the entire co-operation of a man of no ordinary powers and capacity. The rare and unrivalled powers of oratory which we have learned to admire in Mr. Surendra Nath Banerjea (cheers)—for it is of him I speak—never shone with more brilliant effect than when he was pleading the cause of his countrymen at the bar of the English people, with a fire and energy that extorted universal respect and admiration. They had a powerful coadjutor in my friend Mr. Eardley Norton, who has known so well how to make splendid use of the heritage of great thoughts and noble deeds which he received from his distinguished father. Mr. Mudholkar from the Central Provinces did yeoman's service in the same cause, and his sober and thoughtful eloquence did not carry less weight than that of his brilliant colleagues. There is no need for me to say anything of the services of Sir William Wedderburn, Mr. Dadabhai Naoroji, and our other friends in England. But I cannot allow this opportunity to pass without grateful acknowledgment of the unceasing toil, the prodigious energy and the organizing capacity contributed by Mr. William Digby. The delegates assembled here might render no inconsiderable service to our cause if they exerted themselves to stimulate by thousands and tens of thousands the circulation of the Congress paper entitled *India*, started under the auspices of our British Committee and conducted with such marked ability by him, and which has done and promises to do, more and more, such incalculable benefit to the object we have at heart. The result of the English campaign clearly shows the wisdom of the new plan of operations suggested by Mr. Bradlaugh. It seems to me that success is well within our reach, if we resolutely apply ourselves to obtain, in

the first instance, at least the recognition and application of the principle of election in the organization of our Legislative Councils. Let us then strive for it with the sagacity of practical men, who have not learnt in vain the lessons taught by English political history, and who know the value of moderate, gradual, and substantial gain.

To the many reasons which have been set forth in Congress after Congress, proving the imperative need of reformed Councils, another has been now added. The discussion of the Indian Budget in the House of Commons was always more or less of a sham; but it was a sham for which the officials of the India Office thought it at least a matter of decency to shed a tear of remorse. But now Sir John Gorst has boldly and candidly declared in his place in the House that there need be no sham regret at all; that if anything, it was rather to be hoped and wished for, that the House of Commons should not waste its time over the weary farce. *(Shame, Shame.)* It is now declared that it is right and proper that Parliament should,—to use Mr. Yule's happy way of putting it—throw 'the great and solemn trust of an inscrutable Providence' back into the hands of Providence to be looked after as Providence itself thinks best, with such grace as Providence may choose to pour on the head of Sir John Gorst, his heirs, successors, and assigns. I think you will agree with me that, when the responsible advisers of the Crown on Indian matters propound doctrines of such a character, it is high time that we should raise our united voice to demand local Councils possessing some guarantees for energy and efficiency. (Cheers.)

It has been said that our united voice is the voice only of a certain portion of the people and not of the masses; and that it is even then the voice of indifference, and not of urgency and excitement. These remarks are intended to be cast as matters of reproach against the Congress; properly understood they constitute its chief glory.

If the masses were capable of giving articulate expression to definite political demands, then the time would have arrived, not for consultative Councils but for representative institutions. It is because they are still unable to do so that the function and the duty devolve upon their educated and enlightened compatriots to feel, to understand and to interpret their grievances and requirements, and to suggest and indicate how these can best be redressed and met. History teaches us that such has been the law of widening progress in all ages and all countries, notably in England itself. That function and that duty, which thus devolve upon us, is best discharged, not in times of alarm and uneasiness, of anger and excitement, but when the heart is loyal and clear and reason unclouded. It is, I repeat, the glory of the Congress that the educated and enlightened people of the country seek to repay the debt of gratitude which they owe for the priceless boon of education, by pleading, and pleading temperately, for timely and provident statesmanship. (Cheers.)

I have no fears but that English statesmanship will ultimately respond to the call. I have unbounded faith in the living and fertilising principles of English culture and English civilization. It may be that, at times, the prospect may look dark and gloomy. Anglo-Indian opposition may look fierce and uncompromising. But my faith is large, even in Anglo-Indians. As in the whole universe, so in individuals, in communities, there is a perpetual conflict going on between the higher and lower passions and impulses of our nature. Perhaps some of you have read a little novel, called Dr. Jekyll and Mr. Hyde, the plot of which hinges on the conflict between two sides of a man's nature, the higher and the lower, embodied each, for the time being, in a separate and distinct individuality. If the lower tendencies are sometimes paramount in the Hydes of Anglo-Indian society, if as our last President, Sir W. Wedderburn said, the interests of the services are antagonistic to and prevail

over the interests of the Indian people, it is still the oscillation of the struggle; it is still only one side of the shield. They cannot permanently divest themselves of the higher and nobler nature, which, in the end, must prevail and which has prevailed in so many honourable, distinguished and illustrious instances. They are after all a part and parcel of the great English nation, bone of their bone, and flesh of their flesh, and they must ever work along the main lines of that noble policy which Great Britain has deliberately adopted for the government of this country. When, in the inscrutable dispensation of Providence, India was assigned to the care of England, one can almost imagine that the choice was offered to her as to Israel of old: 'Behold, I have placed before you a blessing and a curse; a blessing, if ye will obey the commandments of the Lord your God: a curse, if ye will not obey the commandments of the Lord your God but go after other gods whom ye have not known.' All the great forces of English life and society, moral, social, intellectual, political, are, if slowly, yet steadily and irresistibly, declaring themselves for the choice which will make the connection of England and India a blessing to themselves, and to the whole world, for countless generations. Our Congress asks but to serve as a modest hand-maid to that movement, asks but to be allowed to show the pits and the falls, asks but to be allowed to join in the blessing which England will as surely earn as there is an 'Eternal that maketh for righteousness.' (Cheers.)

I appeal to all true Englishmen—to candid friends as to generous foes—not to let this prayer go in vain. It may be that we sometimes speak in uncouth and outlandish ways, it may be that we sometimes stray in some confusion of thought and language; still it is the prayer of a rising, growing and hopeful nation. I will appeal to them to listen to the sage counsels of one of the most careful and observant of their modern politicians, who like the prophet Balaam, called, I will not say exactly

to curse us, has however blessed us utterly. In his *Problems of Greater Britain*, Sir Charles Dilke thus sums up his views on the Congress: 'Argument upon the matter is to be desired, but not invective, and there is so much reason to think that the Congress movement really represents the cultivated intelligence of the country, that those who ridicule it do harm to the imperial interests of Great Britain, bitterly wounding and alienating men who are justified in what they do, who do it in reasonable and cautious form, and who ought to be conciliated by being met half-way. (Cheers.) The official class themselves admit that many of the natives who attack the Congress do so to ingratiate themselves with their British rulers and to push their claims for decorations. *(Hear, hear.)* Our first duty in India is that of defending the country against anarchy and invasion, but our other greatest duty is to learn how to live with what is commonly called the Congress movement, namely, with the development of that New India which we have ourselves created. Our past work in India has been a splendid task, splendidly performed, but there is a still nobler one before us, and one larger even than that labour on the Irish problem to which our public men on both sides seem too much inclined to give their whole attention.' So careful an estimate of the work and spirit of the Congress movement cannot but commend itself to all thoughtful minds.

However that may be, our duty lies clear before us to go on with our work firmly and fearlessly, but with moderation, and above all with humility. If we might be permitted to adopt those noble words of Cardinal Newman, we may say—

Lead kindly light amid the encircling gloom,
Lead thou me on!
The night is dark and I am far from home,
Lead thou me on!
Keep thou my feet, I do not ask to see
The distant path, one step's enough for me.

(Long and enthusiastic cheering.)

SPEECH ON CHARLES BRADLAUGH.

[*Mr. Pherozeshah M. Mehta made the following speech on Charles Bradlaugh at the Seventh Indian National Congress, held at Nagpur in December 1891, Rai Bahadur P. Ananda Charlu presiding.*]

Mr. President and Delegates All,—It is with the most unfeigned reluctance that I have been persuaded—I ought almost to say over-persuaded—to undertake the painful task of placing before you the next resolution. For it is a task which I cannot approach without being overcome with the deepest and most sincere emotion. To me human speech has always seemed helpless and impotent in the presence of death and as I rise to speak of it, the death of Charles Bradlaugh seems to rush upon the mind as fresh in all its terrible and mournful reality as if it were only yesterday. India had never more reason to lament what the poet has described, with all the force of the old Hellenic conviction, as 'the mystery of the cruelty of things,' than when it was suddenly and despite the prayers of millions, deprived of the valiant knight who had sworn to do battle for her; her chosen and trusted champion, her true and tender friend, her wise and sober counsellor, her accredited representative in the great and august council of the Empire. It is only two short years ago—nay, not so much—not two—that plucked from the very jaws of death, snatched, as he himself said, from the blackness of the grave, we greeted him, in the name and at the call of all India, with the simple enthusiasm which his unselfish and untiring devotion to India's cause had already created from one end of the country to the other. I well remember how our hearts were unutterably stirred within us, at finding him in our midst, restored, as we then fondly, but alas! vainly, hoped, to health and a long career of noble usefulness. I shall never forget (and who that was present could forget?) the memorable speech which, his gentle

heart moving him almost to tears, he addressed to the vast concourse of people that had assembled to welcome and greet him, and in which he pledged himself modestly and unostentatiously, but earnestly and feelingly, 'to do his best, so far as one man may, for the greater happiness of India's people, the greater peace for Britain's rule, and the greater comfort of the whole of Britain's subjects.' Only one short year was given him to redeem his promise. But even in that short year how nobly, how indefatigably, how devotedly he applied himself to the task he had undertaken, with all that large human sympathy which always seemed to me to pervade and direct his fearless, powerful and uncompromising vindication and championship of right and truth and justice. Even during the few months that have elapsed since his death, how often have we missed, on great occasions and small, the ring of his sagacious and powerful advocacy, and how often have we had reason to exclaim—

> Oh, for the touch of a vanished hand,
> And the sound of a voice that is still!

Death's heavy hand has indeed fallen heavily upon us in the loss of Charles Bradlaugh. England has lost in him one of her best sons like unto those knight errants of old 'who went about redressing human wrong,' one of those large-hearted and large-minded Englishmen whose love and sympathy, reared and nurtured in a lofty conception of moral and political duty, does more than is imagined to transform the feeling of gratitude for the material blessings of British rule, inestimable as they are, into a sentiment of earnest, devoted and enlightened loyalty. His name has become a household word in the remotest parts of the country. It is a more eloquent and surer tribute to his worth than monuments of brass and marble. These may be raised to deserving as well as undeserving people. We have a statue in Bombay to Lord Reay, we have another to Sir Richard Temple. But the heart cannot belie itself. Let us then reverently enshrine his memory in our hearts as we have already

enshrined those of John Bright and Henry Fawcett! (Cheers.) I beg to propose the following resolution:—

That this Congress puts on record an expression of the gratitude felt throughout India for the signal services rendered by the late Mr. Charles Bradlaugh to that country's cause, and of the deep and universal sorrow which his untimely death has engendered, and that a copy of this resolution, signed by the President, be transmitted through the British Committee for presentation to Mrs. Bradlaugh Bonner.

MR. DADABHAI NAOROJI'S ELECTION AS A MEMBER OF PARLIAMENT.

[*At the Public Meeting held in the Town Hall, on Saturday, the 23rd July* 1892, *under the auspices of the Bombay Presidency Association, to commemorate the election of Mr. Dadabhai Naoroji as a Member of Parliament, with Sir Dinshaw Manockji Petit, Bart., as Chairman, Mr. Pherozeshah M. Mehta made the following speech in moving the first Resolution.**]

Mr. Chairman and Gentlemen,—We are met here to-day to give as it were a formal welcome to those 'glad tidings of great joy' of the election of a native of India,—(cheers)—and that native Mr. Dadabhai Naoroji, —(renewed cheers)—as a Member of Parliament, which have rejoiced, I think I may say it without exaggeration, the heart of every man, woman, and child throughout the length and breadth of this land. I do not know, gentlemen, if you are aware how entirely appropriate it is that a public meeting for this object should be convened by the Bombay Presidency Association. (Cheers.) I do not know if you remember that the struggle which Mr. Dadabhai has brought to so successful and glorious a termination, and in which he has proved that he is made of the stuff of which heroes are made, is a veritable Seven Years' War, the opening campaign of which had for its scene of operations and battle-field this city of Bombay and the rooms of the Association. (Cheers.) Much about this time seven years ago, at the time when the General Election of 1885 was pending, the Association resolved to inaugurate the policy of carrying the war as it were into the enemy's country, of making a direct

* *Resolution*:—That in offering Mr. Dadabhai Naoroji their most cordial congratulations as the first Native of India ever elected to sit in the British House of Commons, the inhabitants of this city in public meeting assembled, desire to give expression to their boundless satisfaction at the success which has crowned his unselfish and devoted exertions for the welfare of this country and which have earned for him the respect, affection, and admiration of all its people.

appeal to the British electors by means of leaflets and delegates, and of asking them to discriminate between the white sheep and the black sheep among those who offered themselves for election as the friends of Indians, and the representatives of their interests ; for it is a remarkable fact, gentlemen, that Anglo-Indians the most perverse, never tire of posing as our only genuine friends and the sole repositories of our confidence and our affections. (Laughter.) It is a curious coincidence that at the meeting held for this purpose, we had the same chairman who so worthily presides to-day, then Mr. (now Sir) Dinshaw Petit,—(cheers)—but then, as now, always ready and willing to lend a helping hand to every just and true cause. Many of those who took part in that day's proceedings have since risen to distinction, the first resolution being moved by the Hon'ble Mr. Justice Telang, whose elevation to the Bench would be a source of the most unalloyed gratification, if it did not leave his friends on many an important occasion without the aid of his sound and sympathetic judgment, his temperate and judicious guidance, his cultured and thoughtful eloquence. (Applause.) I shall never cease to regret the untimely death of another speaker at the meeting, my late lamented friend, Mr. Dinsha Kanga, who had given high promise of a career of great public usefulness. One of the best pieces of work we did on that occasion was that we discovered my friend Mr. Chandavarkar,—(cheers)—whom we packed off straight to England, where, I need not tell you, how greatly he distinguished himself. But of all those who took part in the proceedings of that day, there was nobody who threw himself into the movement inaugurated by the Association more earnestly or more vigorously than Mr. Dadabhai. He had only a short while before emerged from that seclusion into which the black outlook on the political horizon in Lord Lytton's time had driven him in despair and disappointment. I do not think it is generally known that it is to Lord Ripon,—(loud cheers)—among our

numerous debts that we owe the return of Mr. Dadabhai to public life, just as we now owe his Lordship our grateful acknowledgments for the sympathy and support, uniformly extended by him by speeches and letters, as you must have seen from the English papers, throughout the whole of Mr. Dadabhai's candidature. (Cheers.) Animated by a new hope and a new spirit, which Lord Ripon's Viceroyalty awakened in him, Mr. Dadabhai soon set to work, again with the same unselfish devotion and the same untiring energy which have always honourably distinguished his public career. It was he who moved the principal resolution at the meeting, and struck the keynote of the situation by emphatically laying down that 'it is in Parliament our chief battles have to be fought.' To this he soon came to add another article of faith to his political creed, in favour of which I had ventured to raise my solitary voice at the meeting. It was that not only our chief battles had to be fought in Parliament, but that those battles could never be really or truly fought until Indian questions were brought within the sphere of party politics. I am ready to admit, gentlemen, that there is no sophistry more plausible than that which advises us to behave like the donkey in the fable stuck between two panniers of hay, both of them supposed to be equally good and equally delicious. (Laughter.) But believe me, gentlemen, there is no sophistry more pernicious or more opposed to our real interests. While England is governed as it is by the machinery of party, there is no salvation for us until Indian questions are sifted in the fierce light of party contention. His Excellency the Governor—(cheers)—was so far quite right the other day, when he said that we could never know the utmost that could be said on either side of a question until the interested zeal of a party press was brought to bear upon it. To take only one instance, do you think, gentlemen, there is any hope for us to be saved from that disastrous military policy and that frightful military expenditure, wickedly draining the

resources of the country, which would otherwise fructify and multiply a thousandfold in innumerable directions, until they are remorselessly exposed and criticised in the unsparing conflict of party warfare ? (Hear, hear.) So impressed was Mr. Dadabhai with the force of these two political convictions, that when the elections of 1885 went against our hopes and wishes, when Mr. Lalmohun Ghose, to whom in justice must always belong the credit of making the first practicable breach in the stronghold,—(cheers)—was defeated at Deptford, nothing could restrain Mr. Dadabhai from taking the firm determination of throwing himself into the breach, and leading the forlorn hope himself. Neither age—he was sixty then—nor any considerations of mere prudence could keep him back. He left for England early in 1886, and for seven long years has he laboured and striven in what I have ventured to designate a veritable Seven Years' War, unappalled by the coldness and opposition of friend and foe, undismayed by repulses, reverses and defeats, never losing heart and never betrayed into saying or doing aught which might misbecome him as we know him—

A selfless man and stainless gentleman.

(Applause.) And the reward which such indomitable pluck, patience and fortitude so richly deserve has at length come to him. He has accomplished the noblest ambition of his heart, he has realized the most romantic dream of his life, he has achieved a distinction prouder and nobler than any which title or orders could bestow, a distinction more enduring than monuments of brass or marble, a distinction which will live in history,—the distinction of being the first native of India to enter the portals of an assembly, than which neither ancient nor modern history has anything greater or grander to show, the portals of the British House of Commons. (Loud applause.) We are told, gentlemen, that there is nothing very much in all this, that we are only bustling in a little comedy of much ado about nothing; the colour-

blind *Pioneer* cannot see a trace of romance in the appearance of Mr. Dadabhai in Parliament. But you know, gentlemen, that there are people to whom as to Peter Bell,

> A primrose by a river brim,
> A yellow primrose was to him,
> And it was nothing more.

But it may be pardoned to us if, nurtured in some of the noblest traditions of English history, we allow ourselves for a moment to be carried away by sentiment, if we venture to contemplate with some degree of emotion and reverence the spectacle of a native of India entering that very assembly in which, in terms of immortal eloquence, Burke and Fox and Sheridan pleaded the cause of righteousness in the government of this country, where Macaulay saw in dim but prophetic vision the dawn of that day which may bring us our political enfranchisement, where Bright and Fawcett and Bradlaugh raised their voices for justice to millions of voiceless and alien people. (Loud applause.) There may be spectacles more dazzling to the eye, more gorgeous with pageantry, more attractive to grown-up-children, like unto the Imperial Assemblage at Delhi, which sent into raptures the votaries of imperial jingoism. But to those who have humbly learnt to recognize that the greatest events have but small beginnings, the appearance of the simple unassuming little 'Black Man' in the hall of Parliament is pregnant with deep cause for loyal and hopeful thankfulness. To them it is a visible symbol, a practical proof of the vitality of that policy of righteousness which, in spite of many drawbacks and many backslidings, has still retained predominance as the declared and guiding policy of the Crown in India. Many people profess to be sceptical as to the patriotism and political sagacity of the electors of Central Finsbury—(cheers)—in choosing an Indian for their representative. But I think you will agree with me, gentlemen, that they have rendered a service of incalculable value, by proving by their generous action, that the instincts of English political

wisdom are capable of triumphing over the direst prejudices of caste, colour, and creed. (Cheers.) Nothing is more calculated to stimulate and strengthen our loyalty and our contentment than to find that the theoretical privileges which we are supposed to possess as her Majesty's subjects are capable of being reduced into accomplished facts. It may be, gentlemen, that no great immediate consequences can or will follow from Mr. Dadabhai's election. I am quite prepared to admit that he will not take the House by storm; I am also quite prepared to admit that he will not set the Thames on fire. But we shall be quite content with what he may be modestly able to perform. Of one thing we are sure, that, be it much, or be it little, he will perform it with unselfish zeal and devotion—earning for himself our unstinted respect, affection and admiration, for the great Queen whom he will serve the increasing loyalty of her Indian subjects, and for the country whom he loves so well the fairest prospects of a gradual development of political progress—

Broadening slowly down from precedent to precedent.

(Loud and continued cheers.)

CONFERENCE PRESIDENTIAL ADDRESS.

[*Mr. Pherozeshah M. Mehta delivered the following address as President of the Fifth Bombay Provincial Conference held at Poona in November 1892.*]

I suppose, gentlemen, that that piece of antique wisdom, 'Better late than never,' comes home to us at this moment; for, though it is decidedly late in the year, still it is a matter for congratulation that the efforts to gather together a Provincial Conference this year have not proved unavailing. The utility of such a Conference cannot be gainsaid; and I venture to say that the urgency and importance of the questions with which you have to deal this year have never been surpassed at any previous period. In placing them before you for your consideration, it is impossible not to acknowledge with thankfulness, and even with something of pride, that public discussion can be carried on in this Presidency without bitterness or ferocity. In his recent book on Lord Reay's Administration, Sir William Hunter says 'that the competition of races, European and Indian, although as keen as in any other province, is tempered by common interests, mutual forbearance, and a certain reciprocal respect which impart a moderation to Bombay public opinion and to the Bombay press in political crises'; and the truth and justice of this observation will, I think, be universally admitted. Even such a source of intoxication as the Mhowra flower did not succeed in warming us to anything more than a state of mild excitement; and in spite of the inhospitable reception given to his pet Bill, I do not think that Sir Charles Pritchard can leave this Presidency for higher altitudes to which he is promoted, with any but the kindest feelings for its people. Mr. Lee-Warner will probably tell you that the equanimity of temper with which we carry on our political warfare is due to the influences of the moderation of our climate, and the marvellous, but

subdued, beauty of nature with which this Presidency is bountifully endowed. However that may be, the fact is undoubted. Take the English press of the Presidency, which even when most opposed to our views and aspirations, often shows a tolerance, and even sympathy, which entitles it to our respect, though I must confess it would be difficult altogether to stand up for its consistency. One would imagine that the same arguments which led them to oppose the Mhowra Bill would lead them to welcome the recent Forest Resolution of Government. The main objection to all repressive legislation is founded on the inevitable oppression and persecution which it entails on the poor and the innocent in its actual working at the hands of petty officials. This is admirably set out in the Forest Resolution; and knowing as we do the complexity of human nature, it is neither necessary nor politic to believe that the Resolution was prompted by a desire for gaining cheap popularity, or that Government meant

> To compound for sins they were inclined to,
> By damning those they had no mind to.

It would be more consistent and logical to accept the sincerity and the utility of the Resolution, and to turn their own weapons against Government by asking them to apply the principles so admirably propounded by themselves as regards the working of forest laws, and by their light to ask them to amend the errors of their ways with regard to Salt and Abkari legislation. Fanaticism even in a good cause requires to be checked, and the fanaticism of Forest officers even in the interests of Forest conservancy surely required to be restrained. It seems to me that we have reason to be thankful to Government for the timely rebuke administered by them, and we cannot but deplore that the press, which did such good service as to the Mhowra Bill, should have resented, instead of encouraging, the action of Government based on the same principles which more than anything justified their own previous opposition. But despite such

occasional inconsistency, the excellent temper with which the English press is conducted in this Presidency, so different from the virulence which prevails in other parts, deserves our admiration. But we are fortunate not only in the character of our English press; the same freedom from extreme views and the same moderation of tone and temper are observable in the public discussion and criticism of public questions by the official classes in this Presidency. A remarkable instance of this is furnished by the records of this year. When the Indian Councils Bill was being discussed in the House of Commons in March last, we had an address delivered on the 12th of that month, at the Elphinstone College Union, by one of the ablest and most accomplished officers of Government to point out to us the folly of our ways in agitating for the improvement and development of the present Legislative Councils. The burden of the song was that till a nation was welded together into unity and till the lowest classes could be made eligible, 'a Council to represent a nation cannot be thought of.' I shall have a word to say in regard to the arguments adduced in support of this thesis, but I would first like to point out in how tender, thoughtful, and even sympathetic a way the lecturer tried to administer his teaching to us. In the first place, it was evident that he was anxious not to be too abrupt or to hurt our feelings by too direct an attack, and so he amused and soothed us with an exceedingly interesting dissertation on the influence of nature in literature and politics. Then he drew our sympathies by giving expression to views which would almost lead one to imagine that he was a Congresswalla in disguise. The following passage might almost be mistaken for one from a speech of that most eloquent of orators which Bengal has given us, Mr. Surendranath Banerjea. 'It is no narrow principle of a paternal government,' said the lecturer, 'or a rule for the benefit of the ruler which sent forth the Roman with his poet's sailing orders,

Tu regere imperio populos Romane memento,

or which fostered differences as aiding the central authority, *Divide et impera.* Its aim is less to govern than to call forth the progressive capacity and to teach self-government. It desires to lift up the lower ranks of society and the subject to the pedestal of the ruler, 'Humanity' and 'Heaven's light our guide,' are its watch words, and they are embodied in your *Magna Charta*, the Queen's Proclamation issued by the ruler whose authority had just been defied and restored by the sword. * * There are three supreme ideas of mankind, the family, the nation and humanity. The Hindu and the Greek ruler thought of the first, the Roman empire of the second; but the British nation accepts the last and highest as its ruling idea. * * I venture to point to you that from God's nature the British nation has learnt the grand idea of humanity, and that the legislation and administration of India under the Queen bears testimony to her Majesty's desire to recognize a progressive future as before all those committed to her care. The protection of the weak, equality in the eye of the law, justice, and a common participation in the benefits, and when the time comes, in the task of good government are at least the aims which the British Government sets before it.' It is quite at the end of this eloquent address that the lecturer comes to the point of his argument, and the cloven hoof is insinuatingly put out. He first of all exhorts us not to meddle with politics, but to stick to social reform—a piece of disinterested advice which our Anglo-Indian friends have anxiously lavished upon us for a long time. Not that the advice is given abruptly, but in a most plausible form:—'He is no friend of India who, for fear of adverse or immature criticism leads you to believe that social and moral growth can be dissevered from the thread of political reform or constitutional development.' Taken in the abstract, this is a just observation. In fact, we can almost recognize it as the text on which my friend Mr. Chandavarkar eloquently held forth before you the other day in the Deccan College.

But in its application to the facts of actual progress, there are limitations which have to be read with it. Whenever the mind of a people is roused, the activity will no doubt manifest itself in divers directions; but history tells us that, in its social and its political manifestations, the pace and the speed are not always the same, neither are they simultaneous. Then again, in the course of all human progress there are stages of reaction when there is a revolt against the continued acceptance of the new doctrines, and an attempt to rehabilitate and revert to the old. This is by no means an unwholesome process, and is itself a proof of the awakening. When two civilizations are brought together in clashing contact, it is those that have passed through this stage who can best avoid the dangers of a superficial veneer and truly assimilate the best that may be in them. Some people have been impatient with my friend Mr. Tilak, for example, when he gravely and most learnedly proposed at the Industrial Conference the other day, that we should ask for legislation to enforce caste penalties. To me it proves only the activity of a mind too earnest and inquisitive to accept things without the most rigid cross-examination. I have no doubt that when he emerges from this reactionary stage, he will prove a far more thorough-going and earnest reformer than many who are at present impatient with his startling paradoxes, and nobody will better realize what that eminent American poet and politician—James Russell Lowell—has sung in his own forcible way,

New occasions teach new duties; Time makes ancient good uncouth,
They must upward still and onward, who would keep abreast of truth.

Speaking of Mr. Tilak and Mr. Chandavarkar, I am tempted to say a word about the remarkable series of articles recently published in the *Indian Spectator*, in which my friend Mr. Ardeshir Framji starts a new theory altogether, and inculcates the gospel of despondency. He tells us that the best thing for us all is to cease from troubling and be at rest, because the Indian Aryan has

long ago done his appointed work, is now an extinct force which nothing can revivify, and is merely an encumbrance upon the surface of the earth. This is no time to examine or criticise this somewhat startling speculation, but it seems to me to be vitiated by the old Hebrew fallacy, '*the thing that has been is the thing that shall be.*' History does not repeat itself; its lessons are invaluable for teaching us to guide the experiments by which alone human progress makes way; they only mislead, if we use them for vain speculations as to the repetition in the future of the phenomena of the past. For a thinker who has nothing but the most passionate scorn for those who cannot make it an absolute article of their faith to believe in a designing Providence in the human shape in which alone the human intellect seems to be able to conceive it, it is somewhat inconsistent for the preacher of such a gospel to say that he is overwhelmed with despair at his own discovery. He, above all, should be able to find both consolation and hope from the teaching of that noble singer who has just passed away in the fulness of years and honours, consolation from those words of quiet rebuke to all pessimism,—

> I have not made the world,
> And he that has made it will guide—

and hope from those words of true philosophy,—

> My faith is large in time,
> And that which shapes it to some perfect end.

But I must come back to Mr. Lee-Warner's address, and the sting in the tail. If we would not take his advice to stick to social and moral reform, but must meddle in politics, then he at last feels compelled to give out his mind, and tells us that our demand for a reformed and enlarged Council is contrary to the laws of nature, and unwarranted by the lessons of history. 'No representative assembly,' he says, 'whether of the nation or of the county is complete, without the presence of those whom in India you would describe as low castes. I cannot fill in the description in greater detail, but I think you

will admit that the healthy growth of the representative system implies a ground prepared by not merely phrases, but by the constant action and reaction of equality, fraternity, and self-sacrifice, welding together a nation, before a Council to represent a nation can be thought of.' This is of course no new argument; we have been familiar with it in the guise of the '250 millions of ryots' argument. How can we, the microscopic minority, ask for the most minute dose of elective representation even for the most limited purposes till the masses, men, women, children and all, could be represented on the Council? Such an argument is well enough for the exigencies of sensational journalism; but it is difficult to understand how an accomplished and cultured thinker could make it the main argument of an elaborate academic address, especially when in the same breath he inculcates the doctrine of gradual growth as taught by the lessons of history. English history, to which Mr. Lee-Warner appeals, tells quite a different tale. The beginings of representation in England were imperfect and inadequate; the great bulk of the people was totally unrepresented in the great Council of the nation, the masses and the lower classes were not even thought of. Every student of English history, let alone Macaulay's schoolboy, knows that such was the state of the things up to so recent a date as the passing of the First Reform Act of 1832. As briefly stated in that admirable book, Green's *Short History of the English People*, 'Neither the meeting of the Wise Men before the conquest, nor the Great Council of the Barons after it, had been in any way representative bodies. The first theoretically included all free holders of land, but it shrank at an early time into a gathering of earls, higher nobles and bishops with the officers and thegns of the royal household. Little change was made in the constitution of the assembly after the Conquest. But though its composition remained the same, the character of the assembly was essentially altered. From a free gathering of "Wise Men," it sank

to a royal court of feudal vassals. It was the genius of Earl Simon who first broke through the older constitutional tradition and dared to summon two burgesses from each town to the Parliament of 1265.' Even with regard to the representation of the towns, it must be remembered, as pointed out in Prof. Stubbs' *Constitutional History*, that 'the town members in Parliament during the middle ages represented only a very small proportion of the towns, and those selected by the merest chance of accident or caprice. In so far as they represented an interest at all, they represented it very inadequately, and if, as we have supposed, they represented chiefly the governing bodies among their constituencies, they are still further removed from being regarded as the true exponents of any element of the national will.' Perhaps some of you remember how, in the famous debates on the Reform Bill of 1831, Sir R. H. Inglis, the member for the University of Oxford, ridiculed the notion that the House of Commons had ever been representative of any but a very small portion of the nation, pointing out that 'it is known that two writs to return members were issued by Elizabeth at the desire of one of her favourites, Sir Christopher Hatton; and Newport in the Isle of Wight had received its franchise to please Sir John Carew. This is the history of many of the small boroughs; and all the Cornish boroughs were formed in that manner. Fifteen Cornish boroughs had at one time received the right of representation, some of which were small villages; and all the Cornish boroughs were found in that manner, while towns which were at the time considerable places with large populations, had no representation at all.' It is clear that the lessons of English history are against Mr. Lee-Warner's speculation. If England had waited, as according to him it ought to have, till a full representation of the lower classes and the masses was secured, before thinking of a Parliament, then we should have never heard of the English Parliament at all. It is unscientific, it is unhistorical to talk of not having a

representative assembly at all, till only a complete one could be had. The laws of nature, as well as the lessons of history, both teach us that beginnings may well be incomplete and inadequate, that too much must not be made of fanciful difficulties about the rights of minorities and lower classes, and that the work of completion should be left to time. Fortunately, gentlemen, the lesson which Mr. Lee-Warner offered 'for the guidance of the British statesmen from the book of nature,' was not accepted by statesmen of either party, Liberal or Conservative, and the Indian Councils Act which became law in last May is now before the Viceroy, to whom is left absolutely, in the words of Mr. Curzon, in charge of the Bill in the House of Commons, the manner, date and the mode of the introduction of the elective principle so far as the elective principle is capable of being received or introduced according to the provisions of the Act. We may, therefore, well hope that his Lordship will not fail to carry out the construction put upon it by Mr. Gladstone, now Prime Minister, 'that a serious effort should be made to consider carefully those elements which in the present condition of India might furnish materials for the introduction in the Councils of the elective principle,' and 'that the first step shall be of a genuine nature, and that whatever scope shall be given to the elective principle shall be real.' We are immediately concerned with our own Provincial Council, and a scheme which has received considerable examination from many quarters, will be laid before you for your consideration. I feel bound to say that any representation less than that sketched out in this scheme will be neither genuine nor real. It would not be fair for a Government which prescribes homeopathy in everything else, to recognize it only in politics. Let us trust that Lord Lansdowne will signalize his departure by a measure of statesmanlike breadth of view, which should afford reasonable scope for a fair experiment.

In pleading for a generous recognition of the elective principle in the reconstruction of our Council, I am not

unaware that, from the neighbouring heights on which Deccan College is situated, one who is deservedly held in high regard and esteem among you, the Principal of the College, may be looking down upon us, in pity and sorrow, if not in anger, at our fatuity, in throwing away the good that the gods have provided us in a system in which nomination has been successful in giving us from time to time such men as a Ranade and a Telang. But is it quite true that the mode of election is not a material element in determining the extent of the usefulness of the person elected? Let us take an instructive illustration within our own experience. Under the Bombay Act of 1864, the Municipal administration of the City was vested in the Bench of Justices, at the time composed of the best men of the native and European communities, men of light and leading, but selected by Government. The result proved a disastrous failure. The new Act of 1872 gave a corporation largely composed of elected members, many of them by no means equal or superior to the picked men of the former system. But the result has been a conspicuous success. What is it owing to? I would venture to beg Principal Selby to examine closely into the reasons for this remarkable difference of results; and though I know that Professors are not easy to convert, still I think he may come to regard the elective principle as not entirely contemptible, and may even be led to discover some good in it.

I feel, gentlemen, I have already taken up too much of your time; but there is one other subject of so much importance that you will pardon me, if I do not conclude without adverting to it. It is the subject of the prospects of education in this Presidency. It is now high time that the public should express itself in no uncertain voice with regard to the grave perils that threaten our educational interests. Under cover of fine phrases and sentimental cant, a retrograde step of the most mischievous character is being taken. It is attempted to beguile us by the announcement that the promotion of primary

education is the primary duty of Government. I do not know if it is imagined that we would not venture to challenge the declaration of such a policy for fear of being stigmatized as inimical to the masses. But his Excellency the Governor seems to have thought the other day that he would cover us with confusion, when he justified the partial confiscation of the grant to the University by proclaiming that it was done in the interests of primary education. Now, gentlemen, I make bold to say that there cannot be a greater misappreciation of the problem of Indian education, and one more fraught with disastrous consequences and more opposed to every consideration of sound policy, than to hold that primary education is the question of the day in India. It may be, and it is, the question of the day in England and Europe, where centuries have laid up a munificent provision for higher education. But in India, in the peculiar circumstances in which she finds herself, it is not primary, but higher, education that is the question of the day. I ventured to advance this view in a paper read by me before the East India Association in 1867. It is now more than ever necessary to enforce that same view. I was never more delighted then when I read the other day the speech made at the opening of the Sind College by the Educational Inspector of the province. All honour to Mr. Jacob for the manly courage with which he publicly proclaimed, with all the weight of his high authority and long experience, that higher education must in India, as it had done in England and other European countries, take precedence of primary education. It is no doubt true that primary education must exist as the basis for the superstructure of higher education; but I, for one, do not fear to confess that I am more than sceptical as to the benefits of primary education limited within itself, in the existing condition of this country. I think it is incumbent upon us to point out that there is a special duty lying upon the State, at least in this Presidency, as regards the promotion of higher education. In England,

the great landlords, the barons, the bishops and the state dignitaries were foremost in munificently endowing colleges and universities. In this Presidency, all these functions are combined in the Government; and when English precedents are so often flung at us for our guidance, surely it is not too much to expect that Government should endow higher education in the Presidency as freely and liberally as the Plantagenets and Tudors and their great bishops and chancellors, the Wykehams, the Waynfletes, the Wolseys and other names still honoured and remembered in the stately halls of the Universities of Oxford and Cambridge. His Excellency the Governor was right when he said to you the other day, that it was not an apt epithet to denounce as niggardly the act of cutting down the University grant by five thousand rupees; the conduct of Government, in doing so, can only be properly described as a short-sighted and impolitic failure to rise to the full conception of its duty. I may here refer also to another attempt which is made to delude us on this question. It is sought to take advantage of what are called our patriotic feelings, to cover the withdrawal of the State from the control and management of high schools and colleges under the pretended guise of anxiety to retire in favour of private enterprise. The recommendations of the Education Commission are thrust in our face in justification of this policy. We know, gentlemen, that the devil can cite scripture for his purpose; but of one thing I am sure, that the distinguished Indian member of the Commission, now Vice-Chancellor of our University, never dreamed that the recommendations on that score could be turned to such uses as those to which they are now sought to be applied. It is entirely premature to talk of retiring in favour of private enterprise with our present schools and colleges incompletely and imperfectly equipped and endowed as they now are. But as Sir Raymond West has pointed out in his address before the Oriental Congress, it is being more and more recognised everywhere that the direct

control and management of higher education is one of the legitimate functions of the State itself. This policy of withdrawal was the least satisfactory chapter of Lord Reay's administration. An endeavour was made to gloss over it by imagining that the dissatisfaction with it was owing to a feeling of hostility to the promotion of technical education, and Sir W. Hunter states, on Mr. Lee-Warner's authority, that 'the establishment of the Victoria Jubilee Institute was regarded as an educational revolution.' Nothing is further removed from the fact. The credit of seriously originating a movement to found a Technical Institute is due to the public of Bombay themselves, who, in public meeting assembled, passed a distinct resolution to devote Lord Ripon's Memorial Fund to this sole purpose, before Lord Reay set foot in India; and I know of my own knowledge that Sir James Fergusson had lent a favourable ear to our application for Government help to carry out the scheme. The truth of the whole matter, gentlemen, is this. As in the case of all great enterprises, so in the matter of higher education, Government are assailed with all those fears, doubts and misgivings which always frighten people midway in their course, before reaching the goal. The impulse to turn back in alarm is, in this particular matter, intensified by personal sentiment. It is very well to talk of 'raising the subject to the pedestal of the ruler,' but when the subject begins to press close at your heels, human nature is after all weak, and the personal experience is so intensely disagreeable that the temptation to kick back is almost irresistible. I confess, gentlemen, that this is very natural, and the policy of withdrawal from the direct management of higher education, ostensibly in favour of private enterprise, is, cover it as you may in fine phrases, nothing but the desire to slacken and retard its progress. In this desire, they are unfortunately helped by the depletion of the exchequer through the insatiable demands of military expenditure. If, gentlemen, I was asked to name the person who, in

these days, has done more than anybody else to retard the healthy domestic progress and development of the country, I would be obliged to give a somewhat startling answer ; for I would have to name one, who, held, and deservedly held, in the highest regard and esteem throughout the country, has, by the very weight and prestige of his great name and fame, succeeded in enforcing a disastrously expensive military policy as nobody else could have done, I would be obliged to name Sir Frederic Roberts. Pushed from every other position, the answer given in the last resort for starving higher education is want of funds. It is amusing to note how the Provincial Government and the Government of India play the game of shuttlecock in this matter. I do not know if you remember an incident in Lord Reay's time. We petitioned to his Lordship for a larger expenditure on education. His Lordship, in reply, was only too anxious to do so, but alas! the Government of India would not give him the money. We appealed to Lord Dufferin, then Viceroy. He referred us back to the Bombay Government, saying that the full grant asked by the Bombay Government had been allowed them in settling the Provincial Contract. It is something like the story of the solicitors with whom Dickens has made us familiar ; the one partner is always so willing, were it not that the other was hard-hearted.

I have not left myself time to speak on another subject which will deserve your best consideration, that of the progress of local self-government. At the opening of the Tansa Water Works, it was a great pleasure to hear his Excellency the Viceroy say, that 'he would be the last person in the world who would be surprised to mark if, at the outset of their career, Indian Municipalities failed in some respects to realize the expectations which had been formed of them.' In judging of their work, it happens not seldom that the doctrine of gradual growth, otherwise so much insisted on, is clean forgotten. It is well to remind those who are impatient regarding the

amount of work done by Municipalities, how little was done in that respect by trained and highly cultivated Government officers during the long period of time in which the municipal administration of the mofussil was virtually in their hands. It is a remarkable fact that they did almost nothing to provide them with the most necessary water or drainage works. Nor is it remembered, as it should be, that there are not a few instances in which they wasted large sums of money in inappropriate and ill-considered undertakings. These facts deserve to be borne in mind, when Indian Municipalities are supposed to have not realized the expectations formed of them, because they do not straightway undertake and carry out every Municipal improvement and requirement. I wish, gentlemen, it were possible to modify the constitution of Mofussil Municipalities on the basis of that of the Corporation of Bombay, as regards the division of executive and administrative functions. I have long thought that a great many of their difficulties and short-comings would disappear, if that were possible. The great objection to any such change lies in the fact that there is hardly a Municipality whose finances would admit of engaging such an officer of position and ability as it would be indispensably necessary to secure for the responsible functions which would be vested in him. I should like you to consider if the difficulty can be practically met by appointing one executive officer to a group of Municipalities situated within a workable area.

In opening our proceedings with these remarks, I feel, gentlemen, that I ought to apologise to you for the desultory and somewhat disconnected manner in which alone I have been able to place them before you. But since you were willing to have me with all my imperfections, I thank you for the honour you have done me in asking me to preside.

SPEECH AT THE SEVENTH ANNUAL MEETING OF THE BOMBAY GRADUATES' ASSOCIATION.

[*The Seventh Annual General Meeting of the Bombay Graduates' Association was held in the Hall of the Framji Cowasji Institute, Dhobi Talao, on Tuesday, the 4th April 1893, at 5-15 p.m., when Mr. Mehta, the President, made the following speech.*]

Gentlemen,—This is the fifth time that you have done me the honour of electing me your President ; and it was represented to me that the most appropriate method of thanking you for so signal a mark of your confidence would be to give one of my performances as the recognized ventriloquist of this city, created by special appointment under what might be almost considered a Government Resolution, if not under the written signature, at least under the parol declaration of the versatile and accomplished Chief Secretary to Government. I confess, gentlemen, I received the proposal at first with hesitation and doubt. But my fears mostly vanished when I recollected that a similar performance given by me at Poona at the last Provincial Conference was fortunate enough to earn the generous and grateful appreciation of one who is himself no mean performer in this line, as this very Hall as well as those of Elphinstone College and various other institutions can bear eloquent testimony ; for a good many of you present here can, I believe, recall the delight and admiration with which we have heard Mr. Lee-Warner discourse on a variety of topics in this very Hall and elsewhere. On one point, however, on which I might have felt discouraged, I think I can rely on your support with confidence. This entertainment is given gratis ; and presiding at the prize-distribution at St. Peter's School, Mr. Lee-Warner is reported to have said that people do not value that which they get for nothing. For example, he pointed out that you are apt to value the education you receive in proportion to the amount of fees you are made to pay for it. Now,

gentlemen, I venture to dissent from this proposition. I think we can make bold to assure Mr. Lee-Warner that the people of this country will not, for example, value the services of Anglo-Indian officers any the less, if they will accept the depreciated rupee in payment of their salaries instead of vigorously agitating for some measure to make up for the loss, no doubt with the view of preventing us from valuing their services any the less. On the contrary, they may be sure that the country would think of them all the more highly, if, with a deficit of a crore for the year that has ended, and a budget deficit of a crore and a half for the next year, and with a still gloomier outlook in the future, they would not lend themselves to the powerful agitation that has been organized to attack the Indian Exchequer in their interests. For, as H. E. the Governor told us the other day, in earnest and impressive terms, when warning us not to ask for a higher expenditure on education, it is these Government officers who are better aware than any of us 'of the needs of the poorest classes of the many millions of this Presidency, that *they* know better than we do how many hundreds of villages there are which need improved sanitary surroundings, mainly in the shape of better water, and which may be induced to undertake these improvements with the aid of a little Government assistance, that *they* know better than we do of the many square miles of jungly tracts, the inhabitants of which are in sore need of better roads to get their produce to market, that *they* know better than we do of the hundreds of thousands of poor people who are in dire need of medical assistance, but to whom such assistance may by degrees be brought with the addition of Government contributions.' I think, gentlemen, our honoured friend Mr. Dadabhai Naoroji will feel extremely gratified to find that H. E. the Governor and the officers at least of this Presidency have been at length converted to his views of the poverty of the country, and of the inadequacy of its revenue to meet the most urgent and elementary

wants of the people, unless he chooses to be sarcastic and say, as he did in the Currency debate in Parliament, that 'India is rich or poor, prosperous or otherwise, just as it suits an argument.' However that may be, I feel sure, gentlemen, that whatever the intrinsic worth of this entertainment laid before you, you will think none the worse of it for getting it free of cost.

I should like, first of all, gentlemen, to impress upon you the great utility and necessity of such an organization as this Graduates' Association. It has now been in existence for seven years, and its regular reports show that it has been steadily doing good and useful work. If all our graduates rallied round its standard, it seems to me that its usefulness could be immeasurably extended. Educational problems are increasing in number and complexity, and it is of the highest importance that we should recognize it as our duty to organize ourselves and watch the development of the educational policy of Government, and to lend all such help as our knowledge and experience may enable us to render, in the proper solution of educational questions. The past year, gentlemen, has had its full quota of questions of great interest, affecting the educational progress of this Presidency. Among them all, there is none of more surpassing importance than that of the attempted withdrawal of Government from the direct control and management of institutions for higher education. In presiding at the Poona Provincial Conference last year, I ventured to urge that it was high time that public opinion should express itself, in no uncertain voice, with regard to the grave perils that threatened our educational interests. This warning, gentlemen, has been severely criticized and resented as altogether unfounded and unwarranted. I have been told by some of the publicists of this city that they have searched in a variety of quarters for these grave perils and not a shade or shadow of them could they discover anywhere. I have been told that the expenditure on education has been larger this year than any previous

year. I have been told that no educational earthquake has brought Elphinstone College or any other educational building to the ground, and that no educational whirlwind has laid the University Tower low. Now, gentlemen, I am ready to confess that none of these catastrophes has overtaken us. And still, gentlemen, if you search for a thing in every possible quarter except where it is, it is no wonder that you cannot discover it. The grave perils of which I spoke at the Conference were not a sudden discovery of mine. I had spoken of them in Lord Reay's time and in his Lordship's presence, when at the celebration of the new Elphinstone College buildings, I ventured to say that 'the cause of education, of literary education as it is called, but which I prefer to call by its old-fashioned name of liberal education, may just now be compared to a tempest-tost bark in mid-ocean.' So grave had the perils become that, speaking from the fulness of close and intimate personal knowledge of the policy and tendencies of Government, of which he was himself a distinguished member, Sir Raymond West deemed it his imperative duty not to leave these shores without publicly raising his voice, in the Hall of the University itself, against the dangers that threatened the cause of higher education. That danger, gentlemen, lies in the persistent attempts that have been made for the last seven or eight years to enforce the policy of the withdrawal of Government from the direct provision, control and management of higher education. It is difficult, gentlemen, to imagine a policy more mischievous and disastrous in its effects on the welfare and progress of the country. I know, gentlemen, that in the first place, it is sought to be justified by the recommendations of Lord Ripon's Education Commission. Now I think, gentlemen, it is time to expose the utter disingenuousness of this appeal to authority which is so constantly made. In dealing with the subject of the withdrawal of the State from the direct provision and management of education, especially of

higher education, the Commission, at the very outset, had to acknowledge that 'perhaps none of the many subjects we have discussed is encompassed with greater difficulty or has elicited more various shades of opinion, alike among the witnesses we have examined and within the Commission itself, than this.' On one point, it was able to record an unanimous opinion that withdrawal of direct departmental agency should not take place in favour of missionary bodies, and that departmental institutions of the higher order should not be transferred to missionary management. With regard to all the rest, the Commission was brought to any recommendations at all with the greatest difficulty. In fact, careful perusal of the Report shows that what little unanimity is recorded in it is more of words than of conviction. In dealing with the course of discussion on this subject in para. 534, the Report says that 'it seems desirable to describe the course of our deliberations upon this subject with greater fulness than we have deemed necessary in other portions of the Report. Our main difficulty was as to the initial recommendation from which all others would naturally follow. It was proposed to find such a starting point in the motion :—"That, under adequate guarantees for the permanence and efficiency of the substituted institutions, the gradual closing of Government institutions, especially those of the higher order or their transfer to native management under the general control of, and aided by the State, should be regarded as not only an important stimulus to private effort, and consequently to any sound grant-in-aid sytstem, but as urgently needed in view of the social and political education of the people." This motion was negatived by a large majority. A motion substantially the same, but adding that such withdrawal was desirable "as conducive to the advancement of the social, moral, and political education of the people," shared the same fate.' In summing up the general conclusion arrived at, the Report proceeds to state that 'our discussions

brought out clearly the fact that while anxious to encourage *any natural and unforced transfer of institutions*, we are not prepared as a body to adopt any form of expression that may be construed into a demand for the immediate or general withdrawal of the State from the provision of the means of high education. We are convinced that, while the transfer of management under the conditions stated is eminently desirable, it is only by slow and cautious steps that it can ever be really attained. * * The Department should cordially welcome every effort of the kind, and should accept it, if it can be accepted without real loss to the community; but while encouraging all such offers, its attitude should be, not that of withdrawing from a charge found to be burdensome, and of transferring the burden to other shoulders, but of conferring a boon on those worthy of confidence, and of inviting voluntary associations to co-operate with the Government in the work and responsibilities of national education. We have certainly no desire to recommend any measures that will have the effect of checking the spread and continuous improvement of higher education.' Now, gentlemen, while the Commission thus carefully guarded its recommendations, they are now mostly forgotten in the attempt to carry out a policy of precipitate withdrawal. The attempted transfers, instead of being natural and unforced and spontaneous, have more the character of Tudor 'benevolences,' and, in one case, it was tried to be enforced at the point of a heavy penalty which has been actually carried into execution. Instead of being by slow and cautious steps, they are tried to be rushed through without any reasonable guarantees of efficiency. Instead of being a boon and a favour, the attitude of Government is openly that of withdrawing from a charge found to be burdensome and of transferring the burden to other shoulders. And lastly, the recommendations of the Commission are made use of for the very result that it deprecated, *viz.*, of checking the spread and continuous improvement of higher educa-

tion. In the second place, it is attempted to delude us by patriotic reference to the great benefits to be derived from the bringing out and encouraging of private effort and enterprize; and we are even told that it would be a means of advancing our political education. 'The history of education in Bombay since 1885,' writes Mr. Lee-Warner, 'will hereafter be mainly known by the systematic efforts made to encourage private enterprise and to give education a practical turn. * * * Variety and freedom have been generally introduced. Self-help has been evoked by the transfer of the management of schools to local bodies, and the Department has learned to look upon itself as responsible rather for the direction and encouragement of educational activity than as a State Department for giving education and managing schools.' Mr. Lee-Warner must pardon us if we look with suspicion on language so strange in the mouth of an Anglo-Indian bureaucrat. Last year Mr. Lee-Warner solemnly protested that he did not know what was meant by a bureaucrat. As he does not seem to be satisfied with the brief answer which I attempted to give him at the time, I will, with your permission, gentlemen, endeavour to describe that eminent personage at somewhat greater length. Among the many delightful and inimitable delineations of typical character immortalized by Dickens, many of you, perhaps, remember the faithful portraiture of Sir Joseph Bowley, the Poor Man's Friend and Father. You remember, gentlemen, how Sir Joseph discoursed on their respective duties:—'Your only business, my good fellow, is with me. You need not trouble yourself to think about anything. I will think for you; I know what is good for you; I am your perpetual Parent. Such is the dispensation of an all-wise Providence. * * * What man can do, I do. I do my duty as the Poor Man's Friend and Father; and I endeavour to educate his mind, by inculcating on all occasions the one great lesson which that class requires. That is, entire Dependence on myself. They have no

business whatever with themselves.' Now, gentlemen, can there be an apter description of the Anglo-Indian bureaucrat after his own heart than as the exact counterpart of Sir Joseph Bowley in relation to the poor Indian —the poor Indian's Friend and Father? When, therefore, this superior person, who has always bitterly resented any introduction of private enterprise and local self-government, and who is not even yet reconciled to what he still devoutly believes to be the imbecile vagaries of Lord Ripon, talks glibly of bringing out and encouraging self-help and private enterprise, only in the sphere of higher education, surely we are warranted in receiving such strange and unfamiliar utterances with some degree of caution and suspicion. And in sooth, gentlemen, the meaning of it all is, that higher education is supposed to be advancing at too rapid a pace, and the numbers of men it turns out, clamouring for Government employ, are regarded as what is termed a distinct political danger. In his Convocation address this year at the Allahabad University, in many respects singularly thoughtful and instructive, Sir Charles Crosthwaite frankly gives voice to this view. After stating that 'by one party the Universities and Colleges have been accused of flooding the country with half-educated young men who will look nowhere but to the service of Government for employment, whose knowledge is superficial, whose conceit is boundless, who are fluent and turgid in language, but who have no accurate conception of the meaning of the words they use or the phrases they repeat,' Sir Charles goes on to say, 'there is no doubt that in the cases of some of the older Universities, the number of men who have taken degrees is in excess of the demand for men of their stamp. * * In this country there is a distinct danger in creating a class of needy scholars who are in excess of and above the only employment open to them. There are two ways in which it can be met with by those who have the control of education. One is by making college education more expensive and self-supporting,

and restricting it to those whose parents can afford to pay for it, and to boys of exceptional merit who can win scholarships and contribute to the cost of their schooling.' Sir Charles Crosthwaite has here laid down the true esoteric doctrine of those who justify the withdrawal of Government from directly helping higher education, on the diplomatic grounds of evoking self-help and private enterprise, and of developing, as Mr. Lee-Warner puts it, 'variety and freedom.' I do not, as indeed I cannot within the scope of this address, propose to attempt to expose the main fallacy which underlies the conception of higher education as being only in the interests and for the advancement of the comparatively few individuals who receive it, and not as being one of the most important and indispensable factors in the general progress and welfare of the people at large. It would require more time than is at my command on this occasion, to point out that those who consider the downward filtration theory as untenable and exploded, have never been able to understand it, and realize the extremely slow and indirect manner in which social modification works itself out. I will content myself with giving only one illustration of the narrow conception of the benefits of higher education being confined only to its immediate recipients. In the admirable address from which I have already quoted, Sir Charles Crosthwaite bore ungrudging testimony to its beneficial influence on the administration of the country. 'On one point' he says, 'I can speak with experience. I had many years' practice in Indian administration, and I am able to bear testimony to the fact that the efficiency of the administration and its purity, especially in the matter of dispensing justice, had made very great progress, and that this improvement is mainly due to the influence of education, and especially of the higher education of which a knowledge of English and English literature has formed the chief part.' The excellent work of our Subordinate Judicial service, manned by judges who are

the products of our higher education, is admitted on all hands. But is it not apparent that, in turning out such men, higher education has done the most signal service to the masses of the people by securing to them a pure, an intelligent, and comparatively cheap administration of justice, than which nothing is more essential to their well-being, prosperity, and contentment. We can easily multiply these instances. In turning out medical graduates, for example, have not our Universities and Colleges not only benefited the recipients of their various culture, but conferred the most invaluable boon on the people at large by helping to bring into existence dispensaries and hospitals with their cheap assistant surgeons, and carrying medical relief to their very doors? It is because of this wide-reaching beneficial action of higher education that it has now come more and more to be recognized in most European countries that it is the State that must assume direct charge of it. I think this Association can do no more useful service than in organizing the most strenuous opposition to the retrograde policy which Anglo-Indian interest and alarm is trying to palm off under the false enticements of an appeal to our patriotic feelings for self-help and self-government. This is the grave peril of which I spoke at the Poona Provincial Conference as threatening our most vital educational interests, and this is the grave peril against which I trust you will wage unceasing war, despite hollow arguments and sarcastic sneers. On one thing, however, gentlemen, you have some reason to congratulate yourselves. The attempts to carry out this policy have hitherto not been very successful. In his account of Lord Reay's Administration, Sir William Hunter ruefully confesses that though 'an attempt was made to transfer the Government High Schools to local authorities, it proved immediately successful only with the Ahmednugger High School.' The attempt to economise, as it was said, the educational resources of the Presidency by practically abolishing the Poona Deccan College of

unrivalled historical interest, and indissolubly connected with the name of its founder, Mountstuart Elphinstone, was also frustrated through the force of public opinion, in giving expression to which this Association did good service by its vigorous remonstrance. Unfortunately, gentlemen, the baffled foe has in his rage and disappointment sought to console himself in his retreat by wreaking vengeance in another quarter. If the anxiety to stimulate private enterprise and self-help were not simply another name for confiscating the funds devoted to higher education, if the devotion to the policy laid down by the Education Commission was not something like the devotion of Mr. Pecksniff to the virtues of Faith and Charity, then no institution, as you are aware, had a right to more fostering and tender treatment than the Poona Fergusson College. It was formed and conducted by a band of young men of culture and education, who unhesitatingly sacrificed their own interests and prospects to the cause of education. It was assisted by a grant, long before the proposal to amalgamate it with Deccan College was conceived. But when that proposal fell through, the prestige of Government required some sacrifice to appease its ruffled dignity, and orders were at once issued to stop the grant to the College. There is absolutely no justification, gentlemen, for what might be fairly called almost a breach of faith. I am aware, gentlemen, that the resources of official ingenuity are not easily exhausted, but when it is urged that two full Colleges are too many for a small place like Poona, surely those who urge this argument cannot be ignorant of the patent fact, that the area which these Colleges serve, is not confined to the city of Poona only, but extends over the whole of the Deccan, the incontrovertible proof of which lies in the full attendance on the rolls of the two Colleges, Fergusson College numbering about 300 students, and Deccan about 250. The action of Government in this matter can be easily defended on the principles consistently avowed by Mr. Maclean,

whom I have always admired for his unflinching logic, if not for his farsightedness. To him every Indian College is a nursery for hatching broods of vipers; the less, therefore, the better. But it is entirely indefensible on the part of those who always protest their innocence of any idea to starve higher education. Frustrated in the attempt to cut adrift the higher schools of the Presidency, and to abolish Deccan College, the advocates of the new policy of withdrawal have not been incapable of much mischief. They have triumphantly served the University with notice after notice, by which the paltry contribution of Rs.15,000 has been successively reduced to Rs. 10,000 and then to Rs. 5,000. Various are the reasons given for striking this blow at the very fountain-head of all higher education. The University must be made self-supporting. Primary education would go to the dogs but for the Rs. 10,000. The Empire would be insolvent if Rs. 10,000 were not speedily called in. It is difficult, gentlemen, to speak with patience of this miserable maltreatment of the University or to characterize it in the terms it deserves. For years the University has been unable to move in the direction of urgent reform for want of funds, and yet when it is most in need of them this decree for retrenchment is fulminated. Let us respectfully beseech the Chancellor of the University to make an earnest appeal to the Governor, who, trained in the manly and healthy discipline of public life in England, cannot but know when to yield, as he surely knows when to hold his own, and entreat him not to allow his administration to be permanently marred by a blot, which, tiny as it is, may never be effaced. Then, gentlemen, in two other directions also, the new doctrine has come in the way of a full advance. Gujarát and Sind by this time ought to have had two better equipped Colleges than they have. Great credit is due to the local promoters of the two existing Colleges in these provinces; but in congratulating these public-spirited men, we are apt to forget that each of these provinces, especially Sind,

were entitled to be provided by the State with a model College. But, gentlemen, where the new doctrine has done most mischief is in stopping the further development and improvement of existing institutions. In a written Minute which Sir R. West sent to the Education Commission, he pointed out how much remained to be done before the existing High Schools and Colleges could be called model institutions. He showed how insufficiently equipped they were in many essential respects. But all hope of their reform and improvement seems to be now gone for ever; for the cry is that other demands are more urgent. I have already had occasion to partly refer, gentlemen, to the impressive utterances of the Chancellor at our last University Convocation. On that occasion he further said, 'I am but too aware, from the reception that has been given to my public utterances on educational questions elsewhere, that these remarks of mine are likely to be construed as indicating the intention on the part of Government to shirk what are regarded as its own duties by laying them on institutions or private individuals.' And his Lordship added: 'But if those who criticise what I have said, and may criticise what I say now, were as well aware as I am of the needs of the poorest classes of the many millions of this Presidency; if they knew, as well as I do', the various things I have quoted above, 'then,' his Excellency went on to say, 'they would appreciate the feelings which actuated me to express a preference for the expenditure of a larger portion of Government funds on the undoubted poor than has hitherto been allotted to them.' When, gentlemen, I first heard these words delivered in his Excellency's quiet but impressive way, I confess that for a moment I felt that I and others who think with me ought to be ashamed of ourselves for our hasty short-sightedness. But it was only for a moment, for a change soon came over the spirit of my dream, and it seemed to me that the picture which his Excellency had drawn in so touching a fashion, took a remarkable resemblance

to that of the amiable and well-meaning father of a somewhat numerous family, addicted unfortunately to slipping off a little too often of an evening to the house over the way, who, when the mother appealed to him to do something for the education of the grown-up boys, begged of her with tears in his eyes to consider if her request was not unreasonable, when there was not even enough food and clothes for the younger children. The poor woman could not gainsay the fact, with the hungry eyes staring before her; but she could not help bitterly reflecting that the children could have food and clothes, and education to boot, if the kindly father could be induced to be good enough to spend a little less on drink and cards. Similarly, gentlemen, when we are reminded of the crying wants of the poor masses for sanitation and pure water and medical relief and primary education, might we not respectfully venture to submit that there would be funds, and to spare, for all these things, and higher education too, if the enormous and growing resources of the country were not ruthlessly squandered on a variety of whims and luxuries, on costly residences and sumptuous furniture, on summer trips to the hills, on little holiday excursions to the frontiers, but above and beyond all, on the lavish and insatiable humours of an irresponsible military policy, enforced by the very men whose view and opinions of its necessity cannot but accommodate themselves to their own interests and ambitions. Gentlemen, this plea of robbing Peter to pay Paul is one that will not bear close examination. We do not ask that primary education should be starved, or that technical education should be stunted. On the contrary, we assert that it is incumbent upon the State to provide the necessary funds for them from the proper sources; what we protest against is, that it should be attempted to provide those funds by curtailing others urgently required for the maintenance and advancement of higher education. Never was a plea more unstatesmanlike and hollow than that which tried to justify the

confiscation of the University grant by pleading that it was to be carried to the account of primary education. Something of this aspect of the question must have forced itself on the minds of our rulers, for they have recently surprised us beyond all belief by turning a most remarkable somersault in regard to it. Hitherto we were ruefully told that it was all because of the dearth of funds that in this country so small a percentage of the revenue was applied to educational objects. When, therefore, gentlemen, we woke one morning, not very long ago, and read a report in the daily papers of the speech made by his Excellency the Governor at the opening of the Madressa-i-Anjuman-i-Islam, I will not attempt to guess what your state of mind might be; but for myself, I rubbed my eyes harder than ever Aladdin did when he woke up in the enchanted palace. You know, gentlemen, that in the highest flight of his ambition for the Educational Department, Sir Alexander Grant never soared beyond a dream of 2 per cent. But it seems we have all been under an entire delusion. His Excellency states frankly how he came to make the discovery. 'I was led some months ago,' he says in his speech, 'into a consideration of this subject by a statement that Bombay spent less on education in proportion to its revenue than most civilized countries. If that was in any way true, I felt we were bound to make an extraordinary exertion to find the wherewithal to increase our educational expenditure.' His Excellency has now discovered that the expenditure on education in this Presidency in proportion to its gross revenues has increased from 4 per cent. in 1882-83 to nothing less than 6 per cent. in 1891-92, while the boasted European countries, whom we have been perpetually dragging into the comparison, have been spending—United Kingdom, 5 per cent.; France, 2; Prussia, 3; Belgium, 2; Italy, 2; Holland, 5; and Sweden and Norway, 3 per cent. This is sufficient in itself to cover with confusion all the people like us who have been talking blatant

nonsense all these years about the niggardliness of our Government, and its failure to do its duty with regard to education. And the Accountant-General has further confounded us by solemnly publishing an imposing array of figures. It is a venturesome task to go at a department so fearfully and wonderfully constructed as that of the Accountant-General, and which can pour columns and columns of figures without pause or mercy. But Mr. Cox will pardon me if I say that he has let the cat out of the bag. Not that it could not have been seen till he opened the bag, which was really too transparently thin. I suppose nobody knows better than Mr. Cox that, when you institute a comparison between ratios of expenditure in different countries, the least you can do is to take in each case the same factors for the ratio. Otherwise there is no comparison at all. Now, gentlemen, the wonderful figure of 6 per cent. alleged to be spent by this Government is arrived at by taking the ratio between the expenditure on education and *a portion only* of the revenues of the Presidency, while the 2, 3, and 5 per cent. of the European countries is calculated on the ratio between their respective expenditure on education and their whole and entire revenue. Of course, one is at perfect liberty to say that the Bombay Government spends 6 per cent. of the funds allotted to it out of its revenues for local expenditure; but then you cannot compare that percentage with a percentage in other countries calculated on an entirely different basis, and then crow over that false superiority. I think his Excellency the Governor will not, on consideration, thank his advisers and informants, whoever they may be, for leading him into such a quandary. Whatever other excuses Government may plausibly put forward, the fact is undeniable that the percentage spent on education in the different provinces of India compares most lamentably with that spent in civilized countries. That percentage is just about 1½ per cent., whatever figures you take, the total net revenues of the Presidency according

to the last Administration Report of 1891-92 being Rs. 13 crores and 30 lakhs and the total State expenditure on education being Rs. 19,65,632. (Administration Report 1892-93, and D. P. I.'s Report 1891-92.) It is absurd to compare this percentage with that in the different countries and states of Europe and America. In the United Kingdom, the parliamentary grants-in-aid of primary education alone amounted in 1892 to £6,263,350, which, on the Imperial revenue for that year of 91 millions, gives a percentage of over 6½ per cent., for simply primary education. This is without taking into account the magnificent endowments for secondary and collegiate education which exist in the United Kingdom, in its great public schools, its wealthy universities, and the colleges attached to them, nearly twenty-three in Oxford and nineteen in Cambridge. His Excellency himself admits that the expenditure on primary education alone is in France 2 per cent.; in Prussia, 3; in Belgium, 2; Italy, 2; Holland, 5; and Sweden and Norway, 3; while taking 9 lakhs as the expenditure on primary education in the Presidency, as his Lordship himself puts it, we have, on our net revenue of 13 crores and 30 lakhs, the magnificent percentage of ·7. But the State expenditure in France, Prussia, and other European countries is not confined to primary education only. They spend large sums in maintaining a magnificent series of institutions for secondary and collegiate education, with which our high schools and colleges can bear no comparison whatever. In the French Budget for 1892, 122,110,425 francs was set down for primary education, and 18,688,504 for secondary, which, on the ordinary revenue for that year, gives a percentage of 4·7. In Sweden and Norway the percentage is over 5 and 7 per cent. respectively. In the different States of Germany, the percentage ranges from 5 to 9 per cent. In Belgium and Denmark it is over 5 per cent. In Italy it is about 2½ per cent., but there are besides, large annual revenues vested in its universities. But the most instruc-

tive instance is that of despotic, autocratic, semi-barbarous Russia, which spends on public instruction nearly 2½ per cent. of her revenues. However, gentlemen, though the grand discovery made by the Accountant-General and the other informers and advisers of his Excellency proves to be only a mare's nest, there is one comfort to be derived from the discussion which it has raised, there is one ray of light piercing through the surrounding gloom. You remember, gentlemen, Lord Harris's words I quoted above. 'If it was in any way true,' he told us, 'that Bombay spent less on education in proportion to its revenue than most civilized countries, I felt we were bound to make an extraordinary exertion to find the wherewithal to increase our educational expenditure.' Gentlemen, now that I think we have shown that it is a fact that Bombay does spend less, and grievously less, on education than other civilized countries, let us appeal to Lord Harris to redeem his promise to make an extraordinary effort to bring up the percentage to a figure, not larger than that for which Sir Alexander Grant sighed more than twenty-five years ago, pointing out that 'if 2 per cent. per annum on the presidential revenues were allowed to Bombay, the whole aspect of the Department and the Universities might, in my opinion, be speedily changed for the better.' I am afraid, gentlemen, I have detained you too long with my ventriloquism. But one word more and I have done. Our departing Commander-in-Chief told us the other day, that while it was right and proper that India should be governed with wisdom and justice, the maintenance of the empire must, in the last resort, depend not on the loyalty of the people, but upon the power and strength of the army to repel foreign invasion. It is perfectly true that loyalty, perhaps like all other virtues, is founded on self-interest. But it is no less true that if that self-interest is allowed to be enlightened and developed, as nothing can enlighten and develop it as a wise system of education in the centre of a righteous policy, then that

self-interest, as in the case of the other virtues, grows out of and beyond itself, and becomes transformed into a sentiment of earnest, devoted, and enlightened loyalty, which, in the hour of danger, will not wait to calculate the chances, but throw its lot with, and stand by, the object of its loyalty, not as a matter of interest, but as a matter of affection and duty. In India, gentlemen, the soldier is abroad, and must be; but the humble schoolmaster is no less indispensable; he alone can add stability and permanence to the work of the soldier. (Loud applause.)

SPEECH ON SIR W. WEDDERBURN'S ELECTION TO PARLIAMENT.

[*At a public meeting of the inhabitants of Bombay held on the 26th April 1893, at the Framji Cowasji Institute, to vote an address of congratulation to Sir W. Wedderburn, Bart., on his election as a Member of Parliament, Mr. Pherozeshah M. Mehta, who was received with loud applause, made the following speech.*]

Mr. Chairman and Gentlemen,—I am entrusted with the task of moving the adoption of the address, which I hold in my hand, congratulating Sir W. Wedderburn and ourselves on his election as a member of Parliament. Our great joy at Mr. Dadabhai's success last year was somewhat marred by Sir William's unexpected failure in Ayrshire. But, gentlemen, I had never the slightest doubt that a man of his patience, perseverance, and disinterested zeal was sure to succeed sooner or later. We have at the present moment some exceptionally good men and true to look after Indian interests in Parliament; and I for one confess that I expect great things in time from men like Mr. Caine and Mr. Schwann. (Hear, hear.) Sir W. Wedderburn's success will add to their ranks an invaluable worker whose liberal convictions are based on a clear and unfaltering grasp of principles, and whose kindly and generous sympathies are founded on the most unaffected and genuine love for the country and its people. (Cheers.) You know, gentlemen, there are Anglo-Indians whose cultured and liberal intellects sometimes prevail over their moral and constitutional antipathy and indifference to dark colour; and there are again Anglo-Indians whose hearts are sound, but whose intellect and culture are unable to keep pace with their kindly impulses. With the exception of our esteemed friend Mr. A. O. Hume (loud cheers), I do not know any other Anglo-Indian whose heart and intellect have both so clearly and logically conjoined in the work of

Indian progress as in the case of Sir W. Wedderburn. (Renewed cheers.) We are familiar with numbers of Anglo-Indians who come out red-hot Liberals from their native country, but whose Radicalism is unable to stand the stress of individual inflation and intoxication in an atmosphere of race supremacy, and who readily succumb to the fascinating sophistries—and I admit they are very plausible—of race domination. It is not a little to the credit of Sir W. Wedderburn that, despite the scoffs and sneers of his own countrymen and his brother-officials, he has quietly, unflinchingly, preserved both his faith and principles from melting away under the influence of the Indian tropical sun. What is still more creditable is that he has not been content with mere words and talk, but his faith has been justified by his acts and deeds. Our rejoicings at his success are not therefore entirely due to the selfish satisfaction of securing so estimable and useful a champion; they spring no less from our high appreciation and admiration of the nobility, integrity, and kindly gentleness of his character. (Loud cheers.)

SIMULTANEOUS CIVIL SERVICE EXAMINATIONS AND HOME MILITARY CHARGES OF INDIA.

[*A public meeting of the inhabitants of Bombay was held on Saturday, July 15, 1893, in the hall of the Framjee Cowasjee Institute, under the auspices of the Bombay Presidency Association, in connection with the House of Commons' Resolution in favour of Simultaneous Examinations and the debate in the House of Lords on the Home Military Charges of India. The Hon'ble Mr. Pherozeshah M. Mehta presided and made the following speech.*]

Gentlemen,—You will see from the notice convening this meeting that you are called together to give expression to the public opinion and public feeling on two of the most important questions affecting Indian interests, which have been brought into the domain of practical hopefulness by the growing Parliamentary activity of recent times in Indian affairs. Our Anglo-Indian friends, it is true, gentlemen, deprecate the interference of Parliament as ignorant and mischievous, and warn us against a Frankenstein, which only destroys those who raise it. Now, I am prepared to admit, gentlemen, that it is a dark and difficult and thorny path, full of pit-falls and stumbles. But so, unfortunately, are all paths to salvation, and we cannot forget that all experience has proved to us that whatever hopes and chances we possess are to be found sooner or later only in Parliament, and nowhere else. In asking you to proceed to deliberate upon the two questions before you, it is impossible not to pause for a moment to recognize the deep debt of gratitude which we owe to those great men who pioneered the growth of this Parliamentary activity as a constant duty and systematic occupation, I mean the late Prof. Fawcett (cheers), and Mr. Charles Bradlaugh. (Renewed cheers.) It may be truly said of them that not only did they serve as living, but they still serve as dead. (Applause.) For it is in no small measure owing to the impulse of the noble example set by

> These dead but sceptred sovereigns,
> Who still rule our spirits from their urns,

that we have at the present day in the present House of Commons the earnest and increasing body of members who, under the leadership of Mr. Paul (cheers), have achieved so signal a triumph in the adoption of the Resolution for Simultaneous Examinations, under circumstances which at one time seemed forlorn and desperate. I think we shall now always picture to ourselves Mr. Paul as we figure to ourselves the familiar hero of many a mediæval tournament, who suddenly appears on the scene, rushes to the succour of the hard-pressed champions of right and justice, turns the tide of battle, and leads them on to victory. (Cheers.) But we are told, gentlemen, that our triumph is a barren one, and our exultation will be short-lived. We are told that a resolution passed in a small House by a small majority can be disregarded with impunity. Now, gentlemen, it would be idle to deny that there is considerable cogency in this caution, especially when we remember that all the weight and fury of the great body of Anglo-Indian opinion and bias, focussed in the India Office, and led and countenanced alas! by every living Indian Secretary of State, past and present, will be strenuously cast against it. But there is hope in this, gentlemen, that though the Government were first opposed to it, the Prime Minister, and that Prime Minister Mr. Gladstone (cheers), who owes his own greatness to his firm belief in moral duty, has, after taking time for consideration and consultation, decided to accept the resolution, to recognize that a vote of the House is a vote of the House, and has forwarded a dispatch to the Government of India to devise means to carry it out. (Cheers.) There is also hope in this, that the dispatch has been disapproved by the majority of the India Council, just as it is said that a cause is won when the *Times* begins to write against it. And there is hope in this if in nothing else, that even the Earl of Kimberley with his scarcely disguised aversion to the proposal, has been compelled ruefully to declare in the House of Lords that the question of Simultaneous Examinations, which

had been fondly supposed to have been throttled and to have received its quietus at the hands of the Public Service Commission, must be re-opened and re-examined in all its entirety. This is no small gain; and it seems to me, gentlemen, that it now rests with us, the people of India, to get this hope transformed into an accomplished fact. If we will be only true to ourselves, if we will only do our own duty, then Simultaneous Examinations are soon bound to be a fact and a reality. (Cheers.) When I say this, I am not unmindful of the circumstance that the capacity of the Government of India for delay and procrastination is as boundless as its promptitude on such matters as the Gagging and the Currency Acts is as great as lightning. (Shame.) But the inherent strength of our case is bound to prevail in the end, now that the question has been re-opened and the attention of Parliament fully drawn to it. I see, gentlemen, that the speakers in charge of the resolutions on this subject are looking at me in uneasy alarm (laughter), but I may assure them that I am not going to take the wind out of their sails. I shoud like, however, to point out that the real question at issue is being cleverly obscured by our opponents. The present situation is this. The halting, inconsistent, and illogical scheme adopted at the suggestion of the Public Service Commission has brought things to this pass. Under the scheme for the Imperial and Provincial Services, a certain number of posts, for which Indians are said to be not qualified by want of residence in England, are set apart for Indians who have never competed and who have never gone to England, and to which they should be appointed by the now-discredited agency of Government selection and patronage. (Laughter.) What we ask for in its place is that these posts should be filled by Indians who have won them in fair competition with the best of Englishmen (cheers), and who should qualify themselves, as it is most essential they should, by passing two years in England after the successful competition. Can there be a doubt, gentlemen, which is the more

reasonable, the more safe-guarding, the more beneficial scheme in the best interests of the country and of British rule? (Cheers.) There is only one argument which may be plausibly urged against it, or rather a fear that Englishmen might be largely ousted from the Service in this way. Now, gentlemen, we would readily and cheerfully admit that it is essential and indispensable that there must be a large admixture of Englishmen in the Service to ensure the proper carrying out of English rule on English principles. Now, surely, it is an unworthy and exaggerated fear that the intellectual qualifications of Englishmen are not sufficiently superior even to the Bengalis (loud cheers), to ensure to them a largely preponderating share for many a long year to come. We should, however, be quite ready to allay their fear and alarm on this point, unfounded as it is, by accepting some reasonable limit of proportion which should secure the necessary share to Englishmen in the Service. (Hear, hear.) With that provision, it seems to me that the case for Simultaneous Examinations is unassailable.

The second subjet before you, gentlemen, is not one of any lesser importance. The question no longer depends on our uninformed speculations and suspicions. We have it now on unquestionable authority, no less than that of Lord Northbrook (loud cheers), confirmed by the past and present Indian Secretaries of State, that a grave injustice is being perpetrated in this country in the apportionment of the Military Charges. In his book on *Imperial Defence*, Sir Charles Dilke pointed out sometime ago that the contribution of £750,000 a year for effective charges is simply indefensible, and it will be shown to you later on that India is despoiled of about another £750,000 in connection with stores and other military charges. (Cries of 'Shame'.) We have it now on the dispassionate and well-informed authority of Lord Northbrook that during the last fourteen years, India has been mulcted of something like four million pounds for charges for which she is in no way liable. Indeed, gentlemen, this question of

financial apportionment has become a grave scandal. It is only owing to our deep reverence for the Queen-Empress that we refrain from characterising as it deserves the decision to charge on India the cost of the Indian Cavalry that attended the opening of the Imperial Institute. (Applause.) Now we hear that India is to be forced to pay a sum of £10,000 a year for twenty years towards the cost of a telegraph line from Mauritius to Zanzibar. (Cries of 'Shame.') The iniquity and intensity of this scandal is aggravated when it is remembered that all this is done to a country whose financial state is so critical that the Government of India has thought it fit to subject it to a currency operation of the most desperate character, in the interests of the Services and the import merchants. (Hear, hear.) Whatever may be the ultimate outcome of the new Currency legislation, it is certain that the people are for the present indirectly and in an automatic fashion heavily taxed by it, and that the mill industry of this city has been seriously dislocated. (Hear, hear.) It is necessary, gentlemen, that the country should cry out from one end to the other against so grave a scandal, and I trust you will not separate without passing a vote of the most grateful thanks to Lord Northbrook for his noble and sustained exertions to put an end to it. (Loud applause and cheers.)

SPEECH ON THE BOMBAY BUDGET OF 1893-4.

[*The following speech was made by the Honourable Mr. Pherozeshah M. Mehta on the Bombay Financial Statement for 1893-4 at a meeting of the Provincial Legislative Council held on the 27th July 1893.*]

With your Excellency's permission I would venture to tender you the warmest thanks of the non-official members for the cordial welcome you have been pleased to give us on the assembling of this the first meeting of the re-constituted Council. I think I may also venture to assure your Excellency that it will be the best endeavour of the non-official members, as far as possible, to do what lies in their power towards the practical and efficient discharge of the business placed before the Council.

I propose on this occasion not to be very lengthy in my remarks, and I shall confine myself to two or three points with which I feel myself more personally and intimately connected. I will first call your Excellency's attention to the provision in the Budget about the Police, and I ask the attention of the honourable member who placed the Financial Statement before the Council to page 19 of that document. It says, 'On the expenditure side, the re-organization of the district and city police has, for a considerable time past, occupied the attention of Government. The total estimated extra cost is Rs. 4,23,000 for the district police (including Sind), and Rs. 1,01,000 for the city. It is hoped that both schemes will be sanctioned early in the year, and provision has accordingly been made in the Budget for 1893-94.' Now, my Lord, I find in the detailed Budget statement, which the Honourable Mr. Trevor was good enough to give us a copy of, that provision has been made to the extent of two lakhs for the re-organization of the district police, but there is no entry so far as the city police are concerned. I cannot quite reconcile the state-

ment in the Financial Statement with the items in the detailed Budget in that respect. With regard to the head of 'Police,' I would next like to draw your Excellency's attention to the amount which is put down as the contribution of the Municipality of Bombay. The amount entered in the detailed Budget for the Budget year 1893-94 is Rs. 3,06,748. In the Revised Estimate for 1892-93, the amount is shown at Rs. 3,63,345. I am glad, indeed, to see that in the Budget Estimate for 1893-94, your Excellency's Government have brought it down to Rs. 3,06,748. I may thus take it that the Government have seen the justice of the representations made by the Bombay Corporation, with regard to certain items in the cost of the city police. A good many of the items included in the letter of Government to the Corporation seem to have now been decided as not properly chargeable against the Corporation. I take that as the meaning of the smaller amount being put down for 1893-94, and if that is so—and it seems to me it must be so—I beg to point out that provision should have been made in the Budget for refunding the additional Rs. 60,000 levied in the previous year.

His Excellency the President:—That is only an estimate. It has not yet been levied.

The Honourable Mr. Mehta:—I beg your Excellency's pardon. Your Excellency will remember that the Bombay Corporation was called upon to go on paying monthly instalments on the basis of the amount being Rs. 3,63,000, so that the Municipality has been compelled to pay up all the instalments for the past year on that basis. I am not referring now to the larger question of the entire liability of the Corporation, pending before the Secretary of State for India; leaving that larger question aside, I infer from the figures in the detailed Budget that your Excellency's Government, even supposing that question is decided against the Corporation, will have to refund the Rs. 63,345, which the Corporation has been called upon to pay up to the present time. The figures

involve the admission that Rs. 3,63,345 was over and above what is now admitted to be the right sum and that the proper amount is Rs. 3,06,748. I am glad your Excellency's Government has thus practically decided that the Corporation ought not to be called on to pay for the dockyard police and the harbour police, etc.; in the previous calculations a portion of those amounts was thrown on the Corporation. I take it that, in justice and fairness, Government have decided that no portion of these sums should be thrown on the Municipality. Even with regard to the reduced estimate, your Lordship will allow me to call your attention to several small charges included against the Municipality, which I think are not justly chargeable. I refer first, to the 'way charges of escorts, Rs. 10,000.' I submit that the Bombay Municipality can in no sense be liable to pay for these escort charges, which are charges incurred in escorting *specie* to the Government of India. It is entirely a work for which the police of the City of Bombay are, so to say, borrowed for doing work outside the city, and your Excellency will admit that the Bombay Corporation are in no way liable for such a charge. The 'Maintenance of Prison Van' is also an item for which the Corporation cannot be liable, because I take it the prison van is not an appendage of the police, but of 'Law and Justice,' and comes under the sub-head of 'Jails.' Your Lordship will allow that it is the legitimate duty of the police to take measures for the protection of life and property, but that it is not one of their legitimate functions to attend to the burning of carcases of horses, for which Rs. 2,000 are entered in the Budget. How can this be a legitimate function of the police?

His Excellency the President:—Would not the Municipality have to do it if the police didn't?

The Honourable Mr. Mehta:—Not if the burden was not cast upon it by the Municipal Act. Your Lordship's Government have repeatedly reminded us that the Corporation has rights and privileges on the one hand which

must be construed by the Act only, and the Corporation, therefore, naturally strenuously resists accepting any burden not cast upon it by the Act. If the Corporation were relieved of certain burdens by Government, which ought not legitimately to fall upon it, and asked to take upon itself others that were not at present imposed upon it by the Act, but which were appropriate to it, such a reapportionment would be just and fair to the Government and to the Corporation; but when your Lordship's Government says we have only to go by the provisions of the Act, I submit that, on that principle, the last item I have referred to is not a burden cast upon us by the Act. I wish to submit to your Excellency's Government that in addition to refunding Rs. 63,300 to the Corporation, the amount payable by the Corporation should be still further reduced by the exclusion of the sums which, as I have pointed out, are not justly payable by the Corporation.

I now pass on to education. I had intended to warmly congratulate your Excellency's Government on having put down at least Rs. 10,000 in the Budget Estimate for 1893-94 as the contribution to the University, and I was somewhat surprised to hear your Lordship say just now that the sum was to be only Rs. 5,000. It is, however, actually entered in the Budget as Rs. 10,000.

His Excellency the President :—Perhaps I am wrong. My impression was that it was Rs. 5,000.

The Honourable Mr. Mehta :—Then I may congratulate the honourable member who presides over Finance for the more liberal view he has taken in this matter. Will your Excellency allow me to state that Rs. 10,000 could hardly have been put down by mistake? Although I knew the Government had written a letter to the University, stating that the amount would be reduced to Rs. 5,000, still, seeing Rs. 10,000 put down in the Budget and knowing your Excellency's interest in the University as Chancellor, and the interest of the Honourable Mr. Birdwood, who as Vice-Chancellor and in other capacities, has ren-

dered valuable services to the University, I could not bring myself to imagine that the amount of Rs. 10,000 had been put down by mistake, but I could only conclude that on further consideration, Government had recognized the propriety of granting the larger amount. I have no doubt that my honourable friend the Acting Director of Public Instruction must have taken the same view of the matter. I trust that when your Excellency winds up this debate you will find it possible to announce that it is not a mistake, and that the Rs. 10,000 was deliberately entered in the Budget Estimates. I cannot conceive of so grave and august a body as the Government of this Presidency perpetrating a joke. But when the University received a letter from Government saying that the grant was to be reduced from Rs. 15,000 to Rs. 10,000, and then a further letter saying that it was to be reduced from Rs. 10,000 to Rs. 5,000, then taking into consideration the financial condition of this Presidency for the last fifteen years, it was difficult to conceive that it was anything but a joke, if it was possible, I repeat, to conceive a grave body like Government so far unbending itself. Financial considerations could have had no weight in the reduction of the grant to the University. Your Lordship will remember that in the report of the Finance Committee, regarding the period of the third Provincial Contract, 1882-1886, it showed the provincial balance to have risen to 52 lakhs against 32 lakhs at starting, and says, 'Thus the province has throughout the term of the contract enjoyed uninterrupted financial prosperity, and has been much more in the position of seeking how to spend its increasing revenue with advantage than for casting about for money to meet urgent administrative demands.' Your Lordship sees that during the period the surplus had gone up to 32 lakhs exclusive of the minimum which this Government is bound to preserve under the direction of the Government of India, *viz.*, 20 lakhs. There was no financial consideration then for the reduction of the University grant. With regard to the next period up

to 1892, the Honourable Mr. Trevor has referred us to the Accountant-General's review of that period, and he takes a very hopeful view of the financial condition of the Presidency. The Accountant-General writes: 'After paying a special contribution of 17½ lakhs in aid of the Imperial Revenue, the year 1891-92 closed with a balance of Rs. 40,70,000 to the credit of the Provincial Government, being Rs. 20,70,000 in excess of the minimum of 20 lakhs fixed by the Government of India.' That being the financial state of the Presidency, I cannot but concur with what the Accountant-General says of the extremely satisfactory condition of the finances. With regard to the year 1892-93 the same hopeful view is taken by the Accountant-General; at page 105 he says in paragraphs 3 and 6:

3. The year 1891-92 was on the whole favourable to Provincial revenues. As compared with 1890-91, there was a net increase of revenue of Rs. 20,00,180, and the Provincial Government was able to spend Rs. 16,93,195 more than in the previous year. It was necessary to draw on the accumulated balances only to the extent of Rs. 5,31,888, as against Rs. 12,38,873 in 1890-91. There are, however, two large items which must be taken into account in comparing the results of the two years. In 1890-91, a special contribution of Rs. 17,50,000 was made by the Provincial Government in aid of Imperial revenues; the Provincial share of the revenue was, therefore, correspondingly decreased. This item, therefore, forms the chief part of the apparent increase of 24 lakhs. In 1891-92 the construction of the Hyderabad-Umarkot Railway was commenced as a Provincial undertaking and Rs. 11,72,211 were spent on it. If it had not been for this special expenditure, the year would have closed with a surplus instead of a deficit. The year 1891-92 began with a balance of Rs. 46,01,994, and closed with Rs. 40,70,106 to the credit of the Provincial Government. The closing balance was thus Rs. 20,70,106 in excess of the minimum fixed by the Government of India.

6. The year 1891-92 was the last of the fourth Provincial Contract, which commenced in 1887-88. The Provincial Government had a balance of Rs. 54,89,780 at the commencement of the contract period, and a balance of Rs. 40,70,106 at its close, or Rs. 20,70,106 in excess of the minimum. Considering that the contract was fixed at a time of financial pressure, that the Government of India allowed only for so much of the revenue as was anticipated to be necessary to meet the Provincial expenditure without any margin, that it withdrew Rs. 17,50,000, that the Public Works expenditure was much in excess of the contract assignment, the result is very satisfactory. The estimate of the annual Provincial revenue and expenditure was taken at Rs. 3,57,72,000 for the purposes of the contract, whereas the total actual revenue of the year

was Rs. 4,07,48,204 and the expenditure Rs. 4,12,80,089, showing that the Provincial Government was able to increase its expenditure largely and still leave a balance much in excess of the minimum, owing to the elasticity of the revenues placed at its disposal.

Further on he says, in para. 8: 'It was expected that the year would open with a balance of Rs. 38,82,000 to the credit of the Provincial revenues; the actual balance was in round figures Rs. 40,70,000, or Rs. 1,88,000 better than the Budget Estimate. The closing balance of the year is estimated at Rs. 31,03,000, or Rs. 10,88,000 better than the sanctioned Budget. This good result is due both to increases in revenue and decreases in expenditure. From the figures stated above it will be observed that an improvement of Rs. 4,84,000 is expected in revenue and a decrease of Rs. 4,16,000 in expenditure. The Budget Estimates provided for a deficit of Rs. 18,67,000 on the year's working: the present anticipations reduce the deficit to Rs. 9,67,000, or a better result by Rs. 9,00,000.'

Taking a general view of the financial condition of the Presidency, it seems to me almost unintelligible how the University can be asked to receive a lesser contribution than that which it has been receiving for several years, *viz.*, Rs. 15,000, on the ground of financial exigency. There is nothing in the financial condition of the Presidency to justify the step Government has taken with regard to the University grant. This is not the time to go into the question of educational policy. I make these remarks taking educational affairs as they exist. While I am ready to admit that it would be a very fortunate thing indeed if the University was in time self-supporting, it cannot be without your Excellency's knowledge, as Chancellor, that many urgent reforms which are needed in the University, and which they are bound to carry out in the near future, have had to be put off for want of funds. I am now speaking in the presence of one of our most active educational officers and a member of the Syndicate for many years; and not only he but the present Vice-Chancellor has repeatedly acknowledged that the

University stands in need of money for these urgent and pressing reforms and cannot enter upon them for want of funds. I ask if this is a time well chosen to reduce the grant. I am quite aware that the Government of this Presidency is bound to exercise what I have ventured on previous occasions to call its economic conscience. Government are bound to exercise that economic conscience in the financial management of the Presidency, but surely there are other objects on which it should be exercised before it pounces on the University. I will give you one simple instance. The Government is at present doing certain things for certain people just as it may be said that the Government is providing money for those who take advantage of the University. I refer to the two Superintendents of Matheran and Mahabaleshwar. I say that their duties could be performed by Mamlatdars, or Assistant Surgeons if medical officers were needed. I suggest it to your Excellency that Rs. 500 or Rs. 600 per month might by this amount be easily saved from their salaries, and it is more desirable to commence economising in such directions than to begin with the University. This is a point to which the Finance Committee drew the attention of the Bombay Government. Of course, I am speaking comparatively. I do not object to these gentlemen in themselves, but what I venture to urge on you is that it is a very proper thing that the economic conscience should be set to work; but that if it is to be exercised, the University should be the last body, and other items such as I have pointed out should be taken up first. I still hope that your Excellency's Government may see that it is desirable to bring back the University grant to Rs. 15,000, and the time may come when the University may approach your Excellency to further increase that grant to enable them to carry out urgent and necessary reforms.

With regard to the educational part of the Budget, I join in the appeal made by Mr. Natu in aid of the Fergusson College. I venture most respectfully to plead the

cause of that College as one eminently deserving of some assistance from Government.

His Excellency the President :—A great deal has already been done for it.

The Honourable Mr. Mehta :—I do not deny that a good deal has been done. It has always been the policy of this Government from the time of Mountstuart Elphinstone to play a great part in education. It must always be that when progress is once commenced there are those who are desirous of pushing it still further and we are desirous that this Government should advance its fame still further by giving more and more. I acknowledge with great thankfulness on behalf of the Fergusson College that for the first three years of its existence Government did give it a grant-in-aid. I may also recall to your Lordship's recollection that Sir James Fergusson did, whilst speaking in the name of Government, almost —I won't say entirely—promise that that contribution would be continued to the College. Of course, members of Government speaking at a public meeting must not be held too strictly to what they say at the time; but so far as he could, Sir James Fergusson pledged the Government to the continuance of that grant. The grant was withdrawn during Lord Reay's Government. There were negotiations for the amalgamation of the two Poona Colleges, but those negotiations broke down. It is unnecessary to go into the circumstances, but I for one am glad that those negotiations broke down, and the Fergusson and Deccan Colleges have continued to flourish since then. It was no fault of the Fergusson College that no amalgamation was effected, and it cannot be said that it has forfeited its claim to a grant which other private colleges are receiving. The Fergusson College is, besides, entitled to some aid at the hands of Government, for it is the only private college of indigenous growth which has been started in this Presidency. And it is scarcely necessary for me to remind the Honourable Mr. Birdwood that for the last thirty or forty years the

Secretary of State and the Government of India have repeatedly laid it down that they would help colleges of indigenous growth before those established by foreign bodies. The Fergusson College, therefore, has a preferential claim on Government. The way in which it was started also deserves some recognition. It was commenced by young men who have sacrificed a promising future to a great extent by binding themselves to serve the College for a number of years—some of them, I believe, for the whole of their lives—on very small and inadequate salaries.

I now turn to the paragraph in the Financial Statement, which sums up the expenditure on education, *viz.*, 'The expenditure includes the whole cost of the teaching and inspecting staff for the various Government Colleges and Schools and grants-in-aid to private institutions, but not grants-in-aid to Local Fund Schools, which appear under contributions, nor charges on account of construction or maintenance of educational buildings, which are debited to Civil Works.' I would make one suggestion here to your Excellency, and that is that it would be desirable, if possible, to bring all these items together in the educational grant instead of showing them in out-of-the-way places as at present. The paragraph goes on: 'In the Estimates, however, provision is made to some extent for items of this description which are transferred to their proper account heads when the expenditure is actually incurred, and hence it happens that the actuals of expenditure under this head commonly appear to be less than the Budget Estimate, though the whole amount or more may have actually been disbursed. The estimated expenditure of Rs. 17,41,000 shown above is in addition to Rs. 5,15,000 and Rs. 56,000 for which provision has been made under "Contributions" and "Civil Works" respectively, and of the sums noted in the margin, which are provided under various other heads for purposes more or less directly connected with education, so that the total estimated

expenditure on educational objects for 1893-94 will roughly amount to Rs. 25,32,000.' I will take the liberty to point out that in making the calculation two things have been forgotten. Under the head of 'Medical,' the Grant Medical College is debited with an expenditure of Rs. 1,40,000. Your Lordship will find that in this sum is included the full salaries of the Principal and Professors, which are not really the salaries of Principal and Professors but of medical officers. I ask how in fairness and justice to the educational budget can the salaries amount to Rs. 1,12,000, and a large portion of the Rs. 1,40,000 would disappear if these salaries were taken out of it. Hardly more than one-third, even if so much, is debitable to the Grant Medical College. Your Lordship will also find that the College is also charged with Rs. 3,300, 'house-rent allowance' for these medical officers. Why this should be I do not know. There is another item of Rs. 5,602, 'freight on Europe stores.' This is a very large amount of freight for medical stores for a college. Probably the Store Department may have received these stores. There are two other items—endowments of the Elphinstone College and Grant Medical College—which ought to be taken into account as reducing the total of the 25 lakhs. The head under which they appear is that of 'Interest.' If these were brought into account here, the educational grant would not come up to Rs. 25,32,000. But there is one hopeful comfort about this over-estimate, for it indirectly indicates that your Excellency's Government are quite prepared to advance to that amount, and in that case one can't help anticipating great educational progress.

There are certain items in 'Land Revenue expenditure,' to which I should now like to refer. I find on page 29, under 'Charges of District Administration' there are four items, transferred to the heading 'Criminal Courts' under 'Law and Justice.' The total of these four items is Rs. 10,19,662, made up of Rs. 59,904 on account of pay of Assistant Judges; Rs. 6,62,981, moiety

of charges for Collectors, Assistant and Deputy; Rs. 2,32,650, moiety of charges for Mamlatdars, etc.; and Rs. 64,170, moiety of pay of head clerks to Mamlatdars, etc. The total cost of Criminal Courts is Rs. 12,66,000. Out of this amount Rs. 10,19,662 are brought from 'Land Revenue' head, being half portion of the salaries of Assistant Judges, Mamlatdars, etc. What I venture to suggest is that instead of employing Assistant Collectors and Mamlatdars to do the criminal work, that that work might be transferred to a body to whom such work would be congenial and harmonious—I mean the Subordinate Judges. I contend that it is discordant work so far as revenue officers are concerned. If this work were entrusted to a body to whom it would be more appropriate, namely, the trained Subordinate Judges, there would be a considerable saving effected in the Budget in the cost of revenue and criminal work. This would hardly be the proper time to go into all the details of the account, but I would illustrate my remarks by taking one district—*viz.*, Poona. There are eight talukas in Poona, to look after which there are three Assistant Collectors, three first grade, and one Assistant Collector, with no magisterial powers. Their salaries are Rs. 900, Rs. 700, and Rs. 400 respectively. Then there are nine Mamlatdars having first class powers on Rs. 200 each—total Rs. 800; and five with second class powers on salaries between Rs. 200 and Rs. 150—total Rs. 850. The total of all these Mamlatdars is Rs. 1,650 per month. I have some personal experience of the working of these Courts. On the whole the Assistant Collectors and Mamlatdars certainly do not devote any thing like even two full hours per day to criminal work; they are not able to do it. If all this criminal work intermittently done by these men was made over to Subordinate Judges, who are trained officers and competent to deal with it, the cost of criminal work would be reduced in this way. I would abolish one of three Assistant Collectors, *i. e.*, Rs. 700, and cut down the Mamlatdars by half, *i. e.*, Rs. 825, total

Rs. 1,525. Against this I would suggest the employment of three more Subordinate Judges for the district on Rs. 300 a month each, *i. e.*, Rs. 900. This would give a monthly saving of Rs. 625 or Rs. 7,500 per year. This would not only secure economy but increase efficiency, for the work would be done by better trained judicial officers. There would also be another advantage. We know at present that Assistant Collectors have to call the accused and witnesses in cases on their files to follow them to their camps over long distances. This is a very great hardship. If there were nine Subordinate Judges fixed in the district, this hardship would be considerably obviated. There would be a distinct advantage gained by such an arrangement. Then again, the evils of associating criminal and revenue work would be mitigated. Such a case as the salt case, which came before the High Court the other day, in which an old woman had been fined Rs. 15 for boiling salt water, would not be so likely to occur, for it is only a revenue officer who could have thought it fit to inflict a punishment so heavy and absurd on a poor woman, and who, in default of paying it, would have had to go to jail. After the High Court's decision I cannot say a word as to the legality of the conviction, but I am certain no Subordinate Magistrate unconnected with revenue would have dreamt of fining the woman Rs. 15. I have also worked at the figures for the Satara District, where a saving of Rs. 8,400 could be effected. Going over the eighteen districts of the three divisions of the Presidency proper, there would be a yearly saving of over a lakh of rupees.

The Honourable Mr. Birdwood:—How does the honourable member propose to meet the salaries of these new officers?

The Honourable Mr. Nugent:—May I ask the honourable member where he discovers three Assistant Collectors in the Poona District?

The Honourable Mr. Mehta:—I took my figures from the Civil List.

The Honourable Mr. Nugent:—Here's the Civil List. The honourable member will not find more than two Assistant Collectors.

The Honourable Mr. Mehta:—The number may vary from time to time.

The Honourable Mr. Nugent:—There have always been two Assistants in Poona ever since I have been here.

The Honourable Mr. Oxenham:—Does the honourable member propose to abolish half the Mamlatdars?

The Honourable Mr. Mehta:—I do not intend to divide them bodily. The revenue work alone would be left to be done by the reduced number.

The Honourable Mr. Birdwood:—Does the honourable member mean to put one Mamlatdar in charge of two talukas?

The Honourable Mr. Mehta:—Yes, I see the Honourable Mr. Nugent is smiling as if he thinks I know nothing about these administrative matters. I am quite prepared to take it that my proposal will be considered impracticable at first sight, but I hope the idea will grow and take root. I do not expect that because I give these figures, the scheme will be at once adopted, but I consider that the difficulties to the scheme could be overcome. And how to meet them is a question for consideration. Take away criminal work from revenue officers, to whom it is incongruous and with whom the match is ill-assorted, and combine civil and criminal justice which is a well-assorted match. It seems to me that not only will you secure increased efficiency, but also I submit, economy. These are all the observations I have to make, and I thank your Excellency and the Council for the patience with which you have heard me.

SPEECH AT THE TELANG MEMORIAL MEETING.

[*A public meeting convened by the Sheriff of Bombay, was held on Friday, October 6, 1893, in the Town Hall, for the purpose of giving expression to the feeling of regret entertained by all classes at the heavy loss sustained in the premature death of the Honourable Mr. Justice K. T. Telang, C. I. E., and to take steps to perpetuate his memory in a suitable manner. The Hon'ble Mr. Pherozeshah M. Mehta made the following speech in proposing a vote of thanks to his Excellency the Governor, Lord Harris, who presided over the meeting.*]

There only remains one more resolution, gentlemen, to place before you, and in proceeding to do so I trust I may be permitted to say a word as to why one so long and so closely associated with Mr. Telang in the public work to which he unsparingly devoted his rare gifts and talents, should have excused himself from taking a part in any of the principal resolutions before the meeting. It is now, gentlemen, more than sixteen years ago that, impelled by a sense of duty which we thought we owed to the education we had received as taught by that education itself, Mr. Telang and I enlisted ourselves, raw and humble recruits in the public cause and appeared in this very Hall to do battle according to our lights at a public meeting held under the presidency of one of your Lordship's predecessors. Many have been the occasions since then on which Mr. Telang has appeared on this very platform, and not a few of those present here may remember his handsome and intellectual face beaming with intelligence and kindliness of spirit, delighting and instructing us with his thoughtful and cultured eloquence, his sound and judicious wisdom, his firm and temperate advocacy of the public interests. (Applause.) With the recollections and associations of so many years crowding on the mind's eye as they could not but do in this Hall and with these surroundings, any endeavour to speak of him as he was, large in heart and brain, so soon after his loss in the prime of manhood and in the plenitude of his powers, could only lose itself in that bitterest of Pagan cries as to 'the mystery of the cruelty of

things,' and only end in the anguish expressed in those true and living lines—

> And oh ! for the touch of a vanished hand,
> And the sound of a voice that is still.

But I am thankful, gentlemen, to be privileged to take a part in to-day's proceedings so far as to be entrusted with the task of tendering on behalf of this meeting our most grateful acknowledgments to his Excellency the Governor (applause) for his presence in the chair on this occasion. Gentlemen, we have cause to be grateful to his Excellency not only for the conventional reasons which generally do duty on such occasions, for the trouble he has kindly taken to attend and for the ability with which he has presided—an ability, by the way, which has not a little taken us by surprise after having been assured, when his Lordship came out, that speech-making was not among his Lordship's accomplishments. (Hear, hear, and laughter.) But beyond these conventional reasons, gentlemen, his Excellency's presence here to-day has a value and significance of its own. (Applause.) In this country, where old and new civilizations of different stages of growth and of the most diverse types are huddled together on one stage to fight it out as best they could, it is only natural that people should be agitated by widely differing ideas and opinions, ranging from those of the most retrograde and conservative character to western and democratic ideas of the most advanced type. Under such circumstances it is not a little important that we should all learn to know that, widely divergent as our ideas and views may be, if they are only held with a single-hearted honesty of purpose, with sobriety and with judgment, they can command not only toleration and respect but even sympathy and admiration. (Loud applause.) His Excellency's presence here sets us an example and a lesson in this respect emphasized by all the weight and dignity of his high official and non-official position, for which we cannot be sufficiently grateful. (Applause.) I therefore beg to move a cordial and sincere vote of thanks to his Excellency for presiding over this meeting. (Loud cheers.)

SPEECH ON THE BOMBAY BUDGET OF 1894-5.

[*The Hon'ble Mr. Pherozeshah M. Mehta, C.I.E., made the following speech in the discussion on the Financial Statement at the meeting of the Bombay Legislative Council held at Poona on the 15th of August, 1894.*]

Your Excellency,—In rising to offer a few remarks on this debate, I think that, as I happen to be a lawyer, I had, first of all, better hasten to assure my honourable friend Mr. Nugent that I am not going to inflict a written speech on the Council. He will, however, pardon me for pointing out that, in taunting the honourable members who are pleaders with having read their speeches, he is doing scant justice to those honourable members who are Government officials, nearly all of whom, as he will no doubt remember, pulled out written or printed speeches from their pockets, and steadily read them out at last year's budget discussion. Surely he ought to feel proud of the homage paid by the pleaders to Government officers in imitating the excellent example set by them.

I trust that the honourable the Financial Member of the Council will allow me to congratulate him on the clear and business-like character of the statement he has laid before the Council. I confess I cannot sympathise with my honourable friend Mr. Javerilal in the complaint he has made as to the want of more detailed information in the statement and the budget. Surely he forgets that Mr. Trevor offered with ready courtesy this year, as he had also done the last, to furnish any additional information or explanation which any honourable member may require beforehand. I am myself indebted to him for his courtesy in supplying me most readily with information and explanation as to certain figures that I applied to him for. I should, however, like to make one suggestion to the honourable member. It seems to me that it would be very desirable to show in future statements the percentages of increase and decrease in the different heads of income and expenditure for a certain number of previous

years to enable the Council to judge of the approximate accuracy of the forecast of the year's budget estimates. In his present financial statement, the Honourable Mr. Trevor tells us at page 10 that 'in connection with this branch of the subject, and with reference to remarks made in the course of the discussion on last year's financial statement as to the apparent tendency to under-estimate receipts and over-estimate expenditure, it may be as well before going further to recall the explanation then given as to the general principle on which the annual budget is framed. Receipts are estimated, in the absence of any specific change in the conditions, on a consideration of the recent actuals, including, it may be added, the latest figures available for the year current when the estimate is prepared.' I think the honourable member will remember that in his opening speech last year in reply to the comments of the Honourable Mr. Ranade on the apparent tendency to under-estimate receipts and over-estimate expenditure, he said that 'the general principle is, in regard to receipts, to estimate on an average of past years in the absence of any specific change in the conditions. The natural result is that in the case of items which show a steady tendency to increase, the growth of our estimates is a little in arrear of the growth of the revenue. But that, I think, is safer than counting our chickens before they are hatched.' Now I think what the honourable member said last year is more in consonance with principle than the way he puts it this year. I think it would be a desirable improvement in the financial statement if the Honourable Mr. Trevor would adopt my suggestion to supply percentages of increase or decrease in the revenue as well as the expenditure for a period of, say, five years.

There can be no doubt that your Excellency's ruling was perfectly right that it was not within the province of this Council to discuss the policy of the Government of India on the question of exchange compensation. In this Council we have only to grin and bear it. I beg

the Honourable Mr. Nugent's pardon, I mean only those who do not receive it. It is only natural that those who receive the compensation should be perfectly convinced of the justice and soundness of so good a policy. At the same time your Excellency's ruling is likely to be a source of some disappointment. I cannot understand what the honourable the Financial Member was up to when he spoke of exchange compensation 'as a disturbing element of dominant importance imposing a heavy burden on the Provincial exchequer.' I am equally surprised at the criticism attempted to be passed on it by Messrs. Javerilal and Setalvad, when we have in this very Council an honourable member who assures us that far from being a policy of trouble and waste, it is justified on the ground of economy. Your Excellency's ruling entails this disappointment, that we shall not hear the Honourable Mr. Crowe explain to us by figures his bold and ingenious justification of exchange compensation on economic grounds. Mr. Trevor has given the amount of the grant on this head as six lakhs and twenty thousand rupees taking exchange at 1s. 2d. It is likely to be much more at the present rate. Perhaps the Honourable Mr. Crowe would have satisfied us that in case no exchange compensation was allowed, the pensions list would have increased by even a larger amount, and that, instead of being a waste, it is actually a source of saving.

Coming to particular heads of the Budget, I will first take up that of Education. In doing so, I beg to tender to your Excellency my unreserved thanks for the way in which your Excellency has met our appeal on behalf of the Fergusson College. Being of a more contented and less grasping nature than my honourable friends Messrs. Javerilal and Panse, I do not like to spoil the sincerity of my grateful acknowledgments by asking for more, either in the shape of a share in the Dakshina Fund or of further favours in future. We are all grateful to your Lordship for coming to the aid of this deserving college by the grant of Rs.3,000 which is entered in

the Budget. My Lord, I am aware that this is not a year in which to make a new appeal; but I cannot help pleading before your Excellency the cause of education in Gujarat. The Deccan has had its full Government college, and justice requires that Gujarat should have equal treatment. In replying to my question on the subject your Lordship was right in saying that I had taken the words as to the Gujarat College, 'fast going down hill,' from the annual report of its Principal. The reason given in the same report for so deplorable a state of things is not simply that it is suffering from the want of a permanent home, but it ascribes it also to another cause. 'What we need is' says the Principal, 'more funds both here and everywhere in the working of the college.' The Council must not imagine that it will be needful to provide any very considerable addition to the Government grant of Rs. 10,000 if Government took over the college wholly. There is an endowment of over two lakhs and a half with an income of about Rs. 10,000 for interest. Then there is the Municipal grant of Rs. 3,000, which of course should be continued. The fees, besides, amount to another Rs. 5,000, and they would increase with increasing prosperity. If Government changed the college from an aided to a full Government college, the additional outlay which would fall on them would not be considerable. My Lord, I am an advocate, but not a blind one, of private enterprise and local self-government, but everything has its proper time, and I am not ashamed to acknowledge that there are many things in this country, among them education, in which it is Government that should lead the way and supply us with models. I am aware, my Lord, that Lord Reay's Government organised the Gujarat College as an aided institution in conformity with the recommendations of the Education Commission. But experience should teach, and it would be an act of simple justice to the whole of the Northern Division if it was supplied in the first instance with a full Government college like the Deccan and

private enterprise be left to follow, as in the case of the Fergusson College at Poona. In leaving the head of Education, I should like to point out that this is one of the heads in which the budget estimates of revenue generally happen to be under-estimated and those of expenditure over-estimated. A glance at the three years' figures of actuals and revised estimates entered in the budget brings this feature out in a somewhat striking manner. I refer to this as showing that it is possible for your Excellency's Government to be somewhat liberal in entertaining new appeals for educational advancement in the course of the current year.

Coming to the head of Land Revenue, I see that a moiety of the charges of district establishment are still debited to 'Criminal Courts.' There are three items so charged: Rs. 65,828, Rs. 7,28,838, Rs. 2,31,570, being half the salaries of Assistant and Deputy Collectors and Mamlatdars. Now the Council will remember that the Honourable Mr. Nugent emphatically stated at last year's debate that the criminal work of these officers only took one-eighth of their time.

The Honourable Mr. Birdwood:—That was with regard to Mamlatdars.

The Honourable Mr. Mehta:—How much do you say as regards Assistant Collectors?

The Honourable Mr. Birdwood:—About half, I should say.

The Honourable Mr. Nugent:—No, no, scarcely a fourth.

The Honourable Mr. Mehta:—It is clear that, even if it is a fourth, it is an over-charge. It may be said that this is only a matter of account. But it is important in this way, that if criminal justice were debited with only its own moderate cost, it would be less open to objection to ask for some further expenditure for urgent reforms and improvements in the administration of criminal justice. For example, such an improvement as that to which my honourable friend Mr. Setalvad drew

attention in regard to the Joint Sessions Judge in Kolaba during the rains. I did not quite follow the Honourable Mr. Birdwood in his reply on this point to Mr. Setalvad, if he meant to say that the system of rolling up the Collector, the District Magistrate, and the Sessions Judge in one has continuously prevailed in Kolaba for the last fifteen years.

The Honourable Mr. Birdwood;—Yes, for the last fifteen years.

The Honourable Mr. Mehta:—Then it is time that the system should be reformed, and considering the real cost of the administration of criminal justice, it is not too much to ask, in the interests of the life and liberty of the subjects, that an additional Joint Judge should be stationed at Alibag during the rains. I do not know if the Honourable Mr. Birdwood has read the appellate judgment of the High Court in a recent murder case tried by this polyglot officer. Without any reflection on that officer, they show that you cannot expect even an able Revenue officer to make a good and competent Judicial officer. Before leaving this head, I should like to say a word as to the suggestion I made last year for carrying out the separation of judicial and executive functions. The Honourable Mr. Nugent looks alarmed, but I am not going to do anything more than ask if your Excellency's Government will be pleased to grant me a committee for the purpose of considering its practical feasibility in some one particular district. I know Mr. Nugent pooh-poohs the whole thing as not being within the range of practical politics, but I have such faith in his broad and sturdy independence of mind that I should propose that he should be president of the committee. I have no doubt that, if I could convince him on the committee that my scheme is both feasible and economical, his integrity of purpose and liberality of thought would rise superior to, and triumph over, his bureaucratic prejudices and prepossessions, and that he would unhesitatingly declare himself as strong an advocate of the

separation as he is now of the anomalous combination of two incompatible functions.

Turning to the head of Law and Justice, I do not propose to join in the discussion raised by my honourable friend Mr. Setalvad for the abolition of what he designates as the monopoly of the Barristers on the Original side of the High Court, and which they justify as a useful and desirable division of labour. I do not care to join in it, as I might be charged with being an interested party by the general public, if not by Mr. Setalvad. I might, however, say this, that though for my own part I should be ready to confess that Mr. Setalvad was quite as good as and better than myself, yet the Bar has among its ranks men of whom it could be proud, men like my honourable friend the Advocate-General, Mr. Inverarity, Mr. Macpherson, Mr. Jardine, and many others, who could hardly be produced under the system which is responsible for Pleaders. With regard to Mr. Setalvad's observations on raising revenue by reforming the High Court, I confess I am utterly unable to sympathise with him in his proposals for economy. It seems to me that he has fallen into the error of imagining that the High Court is simply a machinery for disposing of a certain number of civil and criminal cases. He forgets that, as in the past, and even more so in the present, the High Court is the stronghold for the defence and inviolate preservation of the life and liberty of the subject against the encroachments—I say it with all deference—of an arbitrary and autocratic executive. To strike at this palladium of public and private liberty for plausible reasons of economy, would be nothing short of a public calamity. It would be a bad day for the Presidency and the whole country when it would be sought to cripple it, and I cannot approve of any proposals which would leave us an attenuated and undermanned High Court. While I cannot, however, support his suggestion in this regard, I must say that his remarks about the fees levied in the Insolvent Court are worthy of the most careful attention

and enquiry of your Excellency's Government. The matter has recently been much discussed and commented upon in public, and I think it is in the interests of all parties that there should be a full and proper investigation. It is certainly a matter for serious comment that in spite of the recommendation of the Finance Committee, the large fees levied in that Court should all go into the pockets of the Clerk instead of being credited to the general receipts under Law and Justice, after defraying from it a fair and liberal compensation for the not very difficult duties of the Clerkship. I think Mr. Nugent has not clearly understood Mr. Setalvad's remarks about the accumulated balances. What he said was that there were balances of monies deposited beforehand for fees by insolvent suitors, and that these balances should not be absorbed by the Clerk. If the facts are as he states, there is certainly good reason for enquiry.

The only other head to which I propose to refer is that of Police, and I shall confine my remarks to only one item in it, that of the contribution from the Bombay Municipality. It is entered in two sums, Rs. 4,47,756, and Rs. 63,193, the latter being the three-fourths share of the Municipality in respect of the last proposed increase in the police force, and which I will not here discuss. The item of Rs. 4,47,756 is arrived at by including in the total of Rs. 7,39,959, the cost of the harbour, the dockyards, and the Port Trust special police, and the cost of special guards for public buildings, and after deducting therefrom the recoveries, amounting to Rs. 1,29,000, charging the Municipality with three-fourths of the balance. Now, my Lord, the inclusion of the cost of the special police and guards mentioned above is not justified by practice or principle. In your Excellency's speech on the Budget debate last year, your Lordship said: 'I don't think it has ever been the wish of Government to charge the Municipality with any of those extra charges which can be shown to be purely for the work of Government.' Now it must be borne in mind that Government

are not the final arbiters of what should be regarded as 'the annual expenses' of the police of the city of Bombay. In an opinion given by the Advocate-General at the instance of Government, and communicated by them to the Corporation, it was pointed out that Government are not the arbiters of what shall be deemed 'annual expenses,' although they have power to determine the amount of the Municipality's contribution to those expenses when duly ascertained. But it would be open to the Municipality to object to any particular item or items in the annual accounts as not being properly 'annual expenses,' and any ultimate difference between them and Government as to a particular item would have to be decided by the High Court. Up till recently, Government have always admitted that the items detailed above were not chargeable to the annual expenses of the city police, and that they were to be borne by Government, over and above the one-fourth share contributed by them. The contribution levied by the Municipality till 1891-92, when the question of increasing the police was raised, was about two lakhs and a half. The accounts supplied by Government up to that period not only showed their contribution of Rs. 90,000, but carefully excluded all charges for the special police in question. In 1891 Colonel Wilson furnished to the Corporation, with the sanction of Government, a statement which clearly shows how this question was treated.* That both the Bombay Government and the Government of India contemplated that the one-fourth share of Government might be exclusive of other items of special work which would be wholly borne by Government, is clear from the following passage in the letter of the Government of India to the Local Government, dated 24th October, 1891:—'This sum (Rs. 5,83,748), however, includes certain items which, either because they may fairly be considered as general rather than local charges, or, for other reasons, the Government of Bombay do not consider it desirable to impose on the

* The statement is omitted. *Ed.*

Corporation.' It is thus clear that your Excellency's Government have all along admitted that the cost of the special items should be defrayed exclusively by Government. And this is in consonance with the nature of the services. The cost of the guards for public buildings should be borne by Government as much as private individuals pay for *ramoosees*, when they require them over and beyond the general protection afforded by the police to both public and private buildings. And the Port Trust and Dockyard police are entirely for special Government service, and debitable to those bodies.

The President:—Is not the harbour included in the city?

The Honourable Mr. Birdwood:—The harbour is one of the wards of the city, as appears from Schedule B. of the Act.

The Honourable Mr. Mehta:—I am perfectly aware, my Lord, of the definition, but remember that the definition of land in the Act includes 'land covered with water.' I am surprised, I must say, that Government think of raising this point. I do not think the Honourable Mr. Birdwood is aware of the discussions that took place on this point in the Select Committee, or of the printed paper containing in parallel columns the observations of the Port Trust, the Municipal Commissioner, and the Honourable Mr. Naylor, who was in charge of the Bill. Mr. Naylor has pointed out there that if you include the harbour in the limits of the city, the Corporation will acquire the right of levying rates and taxes and imposing other burdens. Does Government wish that the Corporation, which has hitherto remained quiescent on this point, should bestir itself in this direction? I hope your Excellency's Government will carefully consider the consequences before trying to justify the imposition of the cost of the harbour police on the Municipality. I submit that the total of the special cost, which comes to Rs. 88,525, should be first deducted from the total. Then there is a number of items which

have been with remarkable ingenuity shoved in as annual expenses of the city police, which have not the remotest connection with it. These are;—Pilgrims Department, Rs. 1,832; way charges of escort to convey specie to the Government of India, Rs. 10,000; burning horse carcasses, Rs. 2,000; and maintenance of prison van, Rs. 1,776. The total of these items comes to Rs. 15,608, which should also disappear from the account. The account between Government and the Corporation would then stand thus:—

	Rs.
Total Presidency Police	7,39,959
Deduct Special Police...	88,525
Total ...	6,51,434
Deduct Pilgrims Department, etc.	15,608
Total ...	6,35,826
Deduct recoveries *minus* Port Trust Contribution ...	1,01,250
Total ...	5,34,576
Deduct one-fourth Government share	1,33,644
Total ...	4,30,932
Deduct item of adjustment	10,463
Total ...	3,90,469

It is this amount of Rs. 3,90,469 which is payable by the Municipality, instead of the sum of Rs. 4,47,756 entered in the Budget. I trust that in the spirit of the assurance given last year by your Excellency, the Corporation will not be called upon to pay anything more than what is justly due from it. It is most desirable that the strained relations between Government and the Corporation should terminate, and I am glad that in answer to my question on the point, your Excellency's Government express their cordial willingness to take measures to settle the long-standing dispute on the police question by a permanent transmutation of the liabilities in regard to it. Let me thank your Excellency and the Council for giving me so patient a hearing.

SPEECH ON THE COTTON DUTIES BILL.

[*At a Meeting of the Imperial Legislative Council held on Thursday, the 27th December, 1894, Lord Elgin presiding, the Hon'ble Mr. Westland moved that the Report of the Select Committee on the Bill to provide for the Imposition and Levy of certain Duties on Cotton Goods be taken into consideration. The Motion was put and agreed to. The Hon'ble Mr. Fazulbhai Vishram moved that in the first proviso to section 5 of the Bill, as amended by the Select Committee, the figures '24' be substituted for the figures '20,' and that the second proviso to the same section be omitted. The Hon'ble Mr. Mehta spoke as follows.*]

My Lord, I also do not propose to detain the Council with any lengthy remarks after the full, eloquent and exhaustive speeches made by my honourable colleagues Sir Griffith Evans and Mr. Playfair. Coming in, as I do, at so late a stage of the deliberations of the Council, I trust your Excellency will permit me to say a word of emphatic protest against the principle and policy which seem to me to underlie the provisions of this Bill. That principle and that policy are that the infant industries of India should be strangled in their birth if there is the remotest suspicion of their competing with English manufactures. In the course of one of his previous speeches, Sir Griffith Evans endeavoured to justify that policy under cover of one of his happy illustrations. He conceived that our English rulers were, in the adoption of such a policy, so many *Gautamas*, only somewhat inchoate and imperfect. I should have thought another illustration a more apt one. I think they could be better compared to Baillie MacWheeble, the steward of the Baron of Bradwardine, as many of us perhaps remember him depicted in the pages of Sir Walter Scott, who loved his patron and his patron's daughter next (at an incomparable distance) to himself. I protest against such a policy not only in its present immediate operation, but as establishing a most pernicious precedent. Coming to the amendment itself, I submit that it is as just and reasonable as it is temperate. By the Bill

we are asked to legislate in the dark, on the faith of some unknown information and evidence in the possession of the Secretary of State for India which is not only not before us, but which, as Sir Griffith Evans surmises, is probably not within the knowledge of your Excellency's Government. And that, too, against the precise information so carefully collected and detailed in his able minute by the Hon'ble the Financial Member. I ask if it is consistent with the self-respect and dignity of this Council to thus legislate, not only in the dark but in the face of the conclusions arrived at by the precise enquiry made by the Financial Member. The mill industry of India deserves a better treatment than this at the hands of Government, for it is not only beneficial to the manufacturers engaged in it, but it is beneficial to Government in more ways than one. To mention only one of several, the wages drawn by mill-labourers, who come from the mofussil and are many of them attached to the possession of patches of land, go largely towards payment of land assessment. It is well-known that these men, after earning wages for a longer or shorter period, return periodically to their villages where they own their lands, and devote their earnings to reduce their indebtedness to the State. The mill industry has had to pass through many vicissitudes. Only last year the currency legislation gave it a severe shock. Before it has quite recovered, it is sought to subject it to another. This is neither wise nor politic in the interests of this country. I suppose I must, like Sir Griffith Evans, leave alone the members of this Council who are so as members of the Executive Council. Their dual position is so fearfully constructed that it is as difficult of separation as Dr. Jekyll from Mr. Hyde. It would be rash to undertake to define their duties and responsibilities in this Council. But I would appeal to other honourable members who are officials. The present financial exigency is owing not a little to the services having secured exchange com-

pensation. They joined the Indians in agitating for the imposition of duties on cotton-imports for the purpose of meeting the deficit largely due to exchange compensation. If, after having secured such imposition, they would refuse to support the moderate amendment of Mr. Fazulbhai to succour a native industry from being harassed and burdened, they would be open to the suspicion that their coaxing tones to induce the natives to join in the agitation against Manchester were suspiciously akin to the interested seductions—made familiar to us by Dickens—of 'Codlin's the friend, not Short.' I trust they will stand by those who co-operated with them in the agitation whose object is won in the Bill just passed. But it is said that, if you adopt the amendment, the Secretary of State will veto the new Tariff Act. My Lord, there are two senses in which the saying 'Render unto Cæsar the things that are Cæsar's' is true. It is true not only in the sense of rendering to Cæsar his rights and his dues; but it is true also when it is a question of obligations and responsibilities that lie upon Cæsar. If the grave responsibility lying upon him for the safe administration of the country can, in his opinion, be best discharged by vetoing the Tariff Act if the amendment is passed, leave to Cæsar, that is, the Secretary of State, to undertake and discharge that responsibility.* Why should we usurp it? The Government of her Majesty's Indian Empire must be

* In summing up the debate, his Excellency the Viceroy said:—'Parliament has allotted his proper place to the Viceroy, as the head of the Executive in India, and it has given him a Council for the purpose of making Laws and Regulations which cannot have powers in which he does not share. But the Viceroy admittedly is not invested with supreme authority, which, as I understand it, is by distinct enactment entrusted to the Secretary of State and his Council; and to speak of this Council as supreme—if that means that it has independent and unfettered authority—is to say what is not the fact.

'I speak with some deference, after what fell from the Hon'ble Sir Griffith Evans; but, with all respect for his legal authority, I think that he is not correct in the view he took that a member of this Council is unfettered in the vote he gives here, or that he could "hand over

carried on, and it will be for him then to decide how to save the country otherwise from the yawning deficit which is being prophesied, and which threatens to bring the Empire, I will not say to the verge of bankruptcy, but which will place it in a position of the greatest difficulty and hardship.

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his responsibility" to the Secretary of State. I am inclined to think that the Hon'ble Mr. Mehta took a more correct view of the matter when he said that he would " leave the responsibility" with the Secretary of State, because the responsibility which the Secretary of State would exercise would be the responsibility which belongs to him.'

SPEECH ON THE DECCAN AGRICULTURISTS' RELIEF BILL.

[*At a Meeting of the Imperial Legislative Council held on Thursday, the 24th January, 1895, Lord Elgin presiding, the Hon'ble Mr. Lee-Warner moved that the Bill to amend the Deccan Agriculturists' Relief Acts, 1879 to 1886, be referred to a Select Committee consisting of the Hon'ble Sir Alexander Miller, the Hon'ble Sir Charles Pritchard, the Hon'ble Sir Antony MacDonnell, the Hon'ble Mr. Mehta, the Hon'ble Mr. Gangadhar Rao Madhav Chitnavis, the Hon'ble Mr. Mohini Mohun Roy, and the Mover. The Hon'ble Mr. Mehta spoke as follows.*]

My honourable friend Mr. Lee-Warner, who is in charge of the Bill, seems to me to be very much in the position of a one-ton steam-hammer brought from a great distance to crack a nut. I cannot but deplore the decision under which Government have resolved not to grapple in this Bill with the larger questions of agrarian indebtedness, but to confine themselves only to minor matters of detail. There is no doubt that as a measure of judicial relief, the existing Act has largely answered its purpose. It has brought justice nearer to the home of the ryots, and the justice done is substantial as well as equitable to both parties. It is also more cheap and perhaps more speedy. It enlists the sympathies of both classes and largely obviates bitterness of feeling. It has strengthened the hands of the weak and given them confidence, while at the same time it has not destroyed credit, where credit was not a fiction. It may even be said that it has not so far checked *bona fide* loans, and only discouraged speculative and usurious business. It has created responsible feeling about the ryot's claim to his land. These are no small advantages, and some of the amendments now proposed will go to improve and strengthen the Act. But such legislation does not go to the root of the matter of the ryot's indebtedness. The saukar is not the head and front of the offence. The Commission of 1891 has pointed out that the rigidity and inelasticity

of the revenue system have much to answer for. Though it is open to revenue officers to grant remissions and suspensions, and though the Government of Lord Ripon advised a policy of well-judged moderation in this respect in practice, the rigidity and inelasticity are not slackened. As the executive will not thus move, is it not necessary that there should be some provisions in the Act by which, just as there are special Courts to adjudicate equitably between the ryot and the usurious saukar, there should be special Courts to do the same between the ryot and the rigid State landlord? It would be enough that the revenue officers should themselves form the Courts, but in these Courts they must decide questions of remission and suspension, subject to equitable rules similar to those enacted for relieving the ryot against the pressure of the saukar. If it is not the intention to shelve more comprehensive legislation as it was at one time hoped would be undertaken, I trust that these questions of larger policy going really to the root of the evil may be efficiently dealt with.*

* The Hon'ble SIR ANTONY MACDONNELL said :—'I had not intended intervening in this debate, but I wish to say, with reference to the remarks which have fallen from the Hon'ble Mr. Mehta, in which he expressed his regret that the Government has not, in connection with this Bill, grappled with the great question of agricultural indebtedness throughout India, that that question has been before the Government. The Government is at present engaged in discussing that question in those parts of India in which it presents its most complex and difficult features, and I trust that, before this Council ceases its sittings in Calcutta, I shall be able to break ground in the matter and to introduce a Bill in connection with one important aspect of the question in the Central Provinces. The other parts of India will follow in due course. I make these remarks in order to show the honourable member that the Government is not neglectful of its duties on this great question.'

SPEECH ON THE CANTONMENTS ACT AMENDMENT BILL.

[*At a meeting of the Imperial Legislative Council held on the 24th January 1895, Lord Elgin presiding, the Hon'ble Sir Alexander Miller moved that the Bill to amend the Cantonments Act, 1889, be referred to a Select Committee consisting of His Honour the Lieutenant-Governor, the Hon'ble Lieutenant-General Sir Henry Brackenbury, the Hon'ble Mr. Mohini Mohun Roy, the Hon'ble Sir Griffith Evans, the Hon'ble Sir Frederick Fryer, and the Mover. The Hon'ble Mr. Mehta spoke as follows.*]

As the principle and general provisions of the Bill are open to discussion on this motion, I should like, my Lord, to offer a few remarks on them before it goes into Committee. In the Statement of Objects and Reasons, prominence is given to the fact that the Bill has been introduced in Council by the direction of the Secretary of State for India. In view of this declaration, it would not be inappropriate or out of place if I venture to indicate briefly the position which I conceive myself to occupy as a member of this Council in proceeding to consider it. In any discussion of this sort, it would be futile not to bear in mind that the constitutional Government of England is not only based on law and statute, but is also controlled by practice, usage and precedent, which have, in numerous direct and indirect ways, often modified, and often over-ridden and gone beyond written and unwritten law; and it must be conceded at once that the supreme and absolute authority for the government of this country vests in Parliament. Even this proposition may be rightly carried further by identifying Parliament in the last resort with the House of Commons. As pointed out by so careful a historian as the late Professor J. R. Green, one of the two constitutional principles discovered and applied by one of the most sagacious of English statesmen, John Pym, has been established by the acknowledgment on all sides since the Reform Bill of 1832, that 'the government of the country is really in

the hands of the House of Commons and can only be carried on by Ministers who represent the majority of that House.' I think this proposition not only indicates the position of the House of Commons as the predominant partner, but also defines the extent as well as the limitation of the authority and responsibilty of the Secretary of State for India as one of the conjoint body of Ministers forming her Majesty's Government, or that body still unknown to the law, the Cabinet. The House of Commons exercises its predominant authority in the government of this country through its responsible Ministers so long as they possess its confidence, and it cannot be forgotten that, subject to this limitation, the Secretary of State for India has the authority of the House to sustain him and the responsibility to carry out its behests by all lawful means open to him. August as the office of Viceroy is, it cannot be gainsaid that he is not independent of the authority vesting in the House and working through its responsible Ministers. It cannot be otherwise under the system of English constitutionalism, and any co-ordination of authority would be subversive of its most fundamental principles. This subordination is by no means, however, inconsistent with the possession of a large and sometimes preponderating measure of influence which the views, opinions, and recommendations of so highly placed an official cannot fail to command in the final decision of Indian questions. It is said, however, that it involves the loss and derogation of prestige. I confess I fail to understand this argument. The superior authority of the Secretary of State, not to speak of Parliament and the House of Commons, is an incident which has been most vividly and constantly familiar to the Indian mind, and the appeal from the Government of India to the Secretary of State has been one of the most common of Indian experiences. Not only has it not involved loss of any prestige, but it has not unfrequently given great content and satisfaction. I remember an instance in connection with the Con-

tagious Diseases Acts themselves. Over ten years ago the Bombay Municipal Corporation declined to contribute to the expenses of a lock hospital, and the Government of Bombay tried to levy it illegally and forcibly by withholding the amount from its contribution to the cost of the city police. The Corporation appealed to the Government of India in vain. From that decision it appealed to the Secretary of State, and the success of its appeal was and always has been a source of great gratification. So far as the natives of this country are concerned, we must take care not to be carried away by the bait of so tempting a phrase as Home rule. Home rule to us, for a long time to come, can only mean the substitution of the rule of the Anglo-Indian bureaucracy for that of the House of Commons and the Secretary of State as controlled by it. Under either rule the country cannot always be safe against the occasional attacks of powerful interests, but after all it is safer to rest upon the ultimate sense of justice and righteousness of the whole English people, which in the end always asserts its nobility, than upon the uncontrolled tendencies of an officialdom trained in bureaucratic tendencies, and not free from the demoralising prejudices incident to their position in the country.

But, while fully conceding the supreme authority of the House of Commons and its responsible Ministers, I do not think that that supremacy is in any way inconsistent with the entire and unfettered freedom and independence of this Council within itself and within the scope of its legitimate functions. Its legislative powers are a purely statutory creation, and the question of their interpretation is not complicated by any mysteries of unwritten law, of usage and practice. There is nothing in its creative statutes or in the declarations of intention and policy surrounding them to justify the supposition that this Council was designed to be a deliberative body without the power or freedom of deliberation, or of carrying that deliberation into effect. The remedies and safeguards

against both paralysis of legislation on the one hand and of mischievous activity on the other have not been provided by making it impotent for all free or deliberative action; but they have been carefully constructed in other ways. Against paralysis of legislation the right of Parliament to continue to legislate for India is unreservedly retained; and there is, besides, a power given to the Viceroy to meet cases of urgency by the promulgation of ordinances having the force of law. The abuse of legislative activity has been sought to be safeguarded by the power vested in the Governor-General of giving or withholding his assent, and the power of the Crown, signified through the Secretary of State, to disallow any laws made by the Council. The extent of the powers of the Council is besides cut down in various directions under section 22 of the Act of 1861. Beyond these restrictions, carefully planned, I conceive that there is nothing to prevent any Member of this Council from joining in its free deliberations, and shaping his action according to the best of his independent judgment. It does not follow that practical considerations of prudence and discretion should be banished from his deliberations or his decision: it is, however, a question for his own free judgment to determine how far he should yield in any particular case on a balance of advantages to the dictates of policy and expediency.*

In applying myself to the discussion of the principle and general provisions of this Bill, I venture to think

* In the course of the debate, the Hon'ble SIR ALEX. MILLER said:—'As regards the vote which each member, official or non-official, is to give, I can only say that I entirely agree with the principle embodied in the remarks which fell from the Hon'ble Mr. Mehta when he said that it was the duty of the Council at large, and therefore, of course, of each Member of the Council in part cular, to vote in any particular case according to what he considered to be the balance of advantage in that case. We can seldom get a counsel of perfection. It is absolutely impossible that large bodies of men who have to move together can get on without some difference of opinion. If they are to act in unison, some of them certainly will have to give in to a certain extent to the others, and the object in every case should be to find that *via media*

that the fact of the Bill being introduced by the direction of the Secretary of State does not deprive me of the right of free and independent judgment within the walls of this Council. At the same time I do not feel bound to oppose it simply because of that circumstance, irrespective of its own intrinsic merits. So far as regards its underlying principle, it seems to me that it has been recognised by this Legislature when, following the repeal of the Egnlish Contagious Diseases Acts in 1886, and in consonance with a resolution of the House of Commons in that behalf, the Indian Acts were repealed in 1888, with the full concurrence of the Government of India, whose opinion was formed after enquiry. It is well to bear in mind what was said at the time of the passing of the Repeal Bill with regard to the powers under the existing Cantonments Acts. Sir Charles Aitchison, who was in charge of the Bill, said: 'It is proposed to abandon the powers conferred by clause (7) of section 27 of the Cantonments Act of 1880 and the corresponding Acts in Madras and Bombay, and to take power to make rules to exclude from cantonments persons suffering from contagious or infectious diseases, and to organize a system of voluntary hospital relief for patients suffering from such diseases. In the meantime, pending the necessary steps preliminary to legislation, the cantonment authorities have received executive orders that the existing rules are to be so worked that there shall be no compulsory examination of women, no registration of women and no granting of

which will give the largest possible advantage with the least disadvantage. I must say that on every occasion on which I had occasion to give a vote in the Council, I have given it on that principle, and on that principle solely. But then you must not consider merely the particular point before you, and what might be the result of an academic discussion of that particular question. You must as practical men look at the consequences of your vote all round, and thereupon give that which you honestly believe will yield the largest amount of advantage. On that principle I am glad to find that there is no opposition to this Bill going into Select Committee, and when it comes out of Select Committee it will be time enough to consider whether or not we have successfully passed all the breakers which at one time seemed to threaten it.'

licenses to practise prostitution.' The policy of the repeal was thus declared to be entire; and it seems to me that the underlying principle of the Bill before the Council is in consonance with its existing legislation. There is no question of retracing the legislative steps taken in 1888, and the immediate object and principle of the Bill, embodied in sections 2 and 3, is to provide against a violation of the legislative will of this Council declared in its previous legislation. It seems to me that there is full justification for what is proposed to be done by section 2. When the new Cantonments Act of 1889 was passed, a mistake which is very common in Indian legislation was made, viz., that of giving indefinite power to the executive authorities to make rules and regulations, even when there were admitted limitations which could be enacted in the Act itself. Assurances and understandings are made to take the place of definite provisions, but it not unfrequently happens that they are forgotten or, what is still more dangerous, interpreted in all sorts of wonderful and unexpected ways. The Cantonments Act of 1889 gave Government power to make rules for 'the prevention of the spread of infectious or contagious disorders within a cantonment, and the appointment and regulation of hospitals.' Objections were raised to the dubious character of the section giving this power and the rules made under it. Assurances, as usual, were given that the rules could not be misused or misinterpreted; and all the direct warnings to the contrary were dismissed as unworthy imputations on the loyalty and discipline of public officers. But what has happened in other similar cases happened in this. The rules were flagrantly disobeyed or innocently misconstrued. I believe it has been suggested from a stern sense of duty, but it does not matter so long as the misinterpretation remains an established fact. To my mind, the proposed section is designed to do what ought to have been done in the very first instance in the Cantonments Act. I can see nothing derogatory to the greatness or prestige of the Viceroy in

Council in carrying out this object. It is always very much better to do by definite and systematic legislation everything that can be so compassed rather than leave it to be accomplished by the vagaries of individual and uncertain discretion. It is no derogation to the authority of the Viceroy that he should in his Legislative Council give legislative fixity in preference to his doing the work as Viceroy in his smaller Council, when the matter is one in which there is to be left no further room for discretion or variation. From this point of view I venture to regard section 2 as unobjectionable and proper.

But looking at the matter from the point of view that I have done, section 3 does not seem to me to be a desirable or appropriate sequel to section 2. I at once admit that many of the arguments which have been urged against it are founded on exaggeration. It is absurd to suppose, as has been advanced, that the section would place the safety and security of every medical officer at the mercy of women of doubtful character. Our Criminal Courts and their special criminal procedure are so constituted that the fear of false charges and false convictions against the class of persons likely to be affected by the section is reduced to the very lowest point, and a Cantonment Magistrate specially is not likely to err on the side of the prosecution in such a matter. The argument that it is a most unusual procedure to provide in an Act for the legal punishment of an officer of Government is equally futile, for the Indian Penal Code devotes a whole chapter to offences by or relating to public servants, and section 166 is a comprehensive section devoted to the punishment of public servants for disobeying any direction of the law. It is also not quite correct to say that section 354 of the Indian Penal Code already covers the offence made punishable by section 3, for, as outraging the modesty of the assaulted woman is an element of the offence, it is possible to argue before a Cantonment Magistrate that no prostitute or immodest woman could possess modesty. But from the view I have ven-

tured to take of section 2, namely, that it properly defines within limits consistent with the legislation regarding the repeal of the Contagious Diseases Acts the power to make rules under the Cantonments Act, it follows that it is sufficient to render invalid any rules going beyond the legitimate purpose of the Cantonments Act, and thus withdraws all supposed sanction from acts which but for those rules would be exposed to the operation of the ordinary penal law. I do not think that prostitutes should have any further protection from compulsion or any other illegal act than what the law affords to other people. It seems to me, therefore, that section 3 should be omitted from the Bill. I am glad, therefore, to hear the declaration made by the Hon'ble the Legal Member with regard to that section.

I should like to add, my Lord, one word as to what I have read in the papers circulated, and I am sorry to say I have heard from the lips of Sir Griffith Evans in Council to-day, regarding the people who are supposed fanatically to have promoted the proposed legislation. Very strong and very harsh language has been showered upon them. But I think it should be borne in mind that the sentiment and the feeling actuating these people are only a phase of that puritannical severity of character which has not been a little instrumental in contributing to the freedom, the prosperity, the greatness and the nobility of the English people.

SPEECH ON THE POLICE BILL.

[*At a meeting of the Imperial Legislative Council held on the 24th January 1895, Lord Elgin presiding, the Hon'ble Sir Antony MacDonnell moved that the Bill to amend Act V of 1861 (an Act for the Regulation of Police), be referred to a Select Committee consisting of the Hon'ble Sir Alexander Miller, the Hon'ble lhe Maharaja Bahadur of Durbhanga, the Hon'ble Mr. Gangadhar Rao Madhav Chitnavis, the Hon'ble Mr. Lee-Warner, the Hon'ble Mr. Mohini Mohun Roy, the Hon'ble Sir Frederick Fryer, and the Mover with instructions to report within one month. The Hon'ble Mr. Mehta spoke as follows.*]

I do not propose, my Lord, to oppose this motion, but I think this is the proper time to point out that the Bill before the Council contains an important set of provisions which are open to the strongest objection. I refer to sections 4 and 5. I have carefully listened to the speech of the honourable member in charge of the Bill, and, weighty and plausible as it is, his whole argument really comes to this, that, for the purpose of obviating a certain amount of possible injustice, it is necessary to take measures which may lead to much greater and serious injustice. Disguise it how you may, it is an attempt, under cover of executive measures for the preservation of order, to convict and punish individuals without judicial trial.

The Hon'ble Sir Antony MacDonnell :—I distinctly stated that individuals are not to be at all touched by the Bill.

The Hon'ble Mr. Mehta :—I will ask your Lordship's attention to the new additional words in these two sections, which, going beyond the existing law in section 15 of the Police Act of 1861, give power to a District Magistrate, not in his judicial but in his executive capacity, to convict or acquit individual persons, including absentee landholders, of causing or contributing to a disturbance of the public peace, death, grievous hurt, or damage to property, and to impose heavy fines in respect

thereof. It is in its applicability to individuals that this Bill differs from the Bombay Act, which deals only with inhabitants *generally* of an area, or any section thereof, and also from the English Statute 49 & 50 Vict., c. 38. The minute of the Hon'bles Mr. Justice Ghose and Mr. Justice Banerji is instructive on this point. They say:—

> In making the above observations we have not lost sight of the fact that there are provisions in the English Statute-book (49 and 50 Victoria, c. 38) apparently of an analogous character. But the analogy between the provisions now under consideration and those of the English Statute is more apparent than real. By the English Act compensation may be awarded for injury to property caused by riot out of the police-rate, which is a definite rate levied on all persons under well-defined conditions, the conduct of the injured party being taken into consideration in assessing the amount, and the interests of the police authorities being evidently allied to, if not identical with, those of the rate-payers, whereas the Bill before us provides for the levying of compensation by way of penalty to be summarily inflicted by the Magistrate on persons whose misconduct has caused or led to the injury to be compensated.

My Lord, I cannot conceive of legislation more empirical, more retrograde, more open to abuse, or more demoralizing. It is impossible not to see that it is a piece of that empirical legislation so dear to the heart of executive officers, which will not and cannot recognize the scientific fact that the punishment and suppression of crime without injuring or oppressing innocence must be controlled by judicial procedure and cannot be safely left to be adjudged upon the opinions and moral certainties of men believing themselves to be capable, honest and conscientious. The British rule has trained the people of this country to the conception of law, and it has been a matter of just pride that the highest justification of that rule consists in its steady administration of justice in judicial form. I venture to say that nothing can be more unfortunate and impolitic than to depart from a policy so bound up with the good name and credit of the English Government. Empirical and retrograde as it is, this new proposed legislation would be no less demoralizing to the executive officers concerned. I have not the least desire to speak disparagingly of executive officers, most of whom, I have no doubt, are anxious to

perform their duties conscientiously and to the best of their ability. But it would be idle to believe that they can be free from the biases, prejudices, and defects of their class and position. It is a more common human failing than most people imagine to mistake suspicions, not unfrequently founded on prejudice and misleading, unsifted and incorrect information, for moral certainty. The provisions in question not only invest District Magistrates with power to act on their opinion, but to do so at a time when probably they would be labouring under irritation and excitement at the failure to preserve the public peace within their districts. The best of men are likely to go wrong under such circumstances, and District officers can be no exception to this rule. It may, and no doubt will be, urged that the District Magistrate will not act without some enquiry, or, as I have seen it described in official documents, without careful enquiry. But, my Lord, a pretty long experience has taught me that, if you carefully probe these careful enquiries, they not unfrequently turn out to be hasty, prejudiced, ignorant, and unreliable assumptions and suspicions fostered by interested subordinates or other designing persons. I trust, my Lord, the Select Committee will carefully consider if it is right to expose the good name and fame of people to shame and obloquy under an *ex parte* procedure, devoid of the only sure safeguards which judicial procedure can alone supply for the vindication of honour and innocence. I observe, my Lord, from the papers that have been circulated that this aspect of the proposed legislation has not escaped attention. It is true that most executive officers, who cannot be blamed for entertaining a profound belief in their own capacity, judgment and wisdom, cheerfully welcome the proposed legislation. It is refreshing, however, to find that at least one officer, admitted to be of long and varied experience as Magistrate and Inspector-General of Police, Colonel Bowie, Commissioner of the Nerbudda Division, Central Provinces, uncompromisingly denounces the measure. He says :—'The provisions of

section 15A are of a still more arbitrary character, and I would protest with the greatest earnestness against any such enactment. I believe it to be wholly unnecessary, and I feel sure that its effects would, if it ever were acted on, prove in the end most pernicious.' The Civil and Sessions Judge of the Hyderabad Assigned Districts, Mr. Obbard, points out that, 'if the guilty only are to be charged, their guilt should be established by some sort of public enquiry at which parties should be represented and witnesses heard, and that the grounds of the order should be such and supported by such evidence as to satisfy the public that the differentiation had been fairly made'. The comment of the Resident of Hyderabad on this opinion is instructive, for I believe it represents the gloss by which the real character of the proposed legislation is sought to be disguised.

'The Magistrate's decision,' says the Resident, 'affirming payment by certain persons only, determines the question of their liability to pay a certain tax; it does not purport to convict them of any offence.'

One cannot refrain from admiring the grim humour of this joke. It is the old Tudor grim humour when they levied illegal taxes under the benign designation of benevolences and friendly loans. In this way you may brand a man as a rioter and an abettor of riots, you may brand him as a murderer and a criminal ruffian, and you may fine him as such, but he must smile and smile, because forsooth it is all a measure of taxation, or, as the honourable member now plausibly puts it, of prevention and not punishment of crime. The political obloquy which has rendered famous the names of the Star Chamber and the High Commission leads us to forget that in their own time both these bodies were honestly considered by the king and his advisers to be necessary instruments for checking the outrages of people whom they considered ill-conditioned, refractory and turbulent, and whom the ordinary Courts could not reach. In ordinary cases, where it followed judicial procedure, the Star Chamber was distinguished for the learning and

fairness of its judgments, but as soon as it arrogated and practised the right of bringing turbulent people to their senses without judicial or public enquiry, and its means of enquiry were left without limit, it became the engine of tyranny and oppression which we have learnt to hate and dread. In making these remarks, I am not unaware that to a certain extent the sanction of the Commissioner or Local Government is required before final action. But while the *ex parte* and non-judicial character of the proceedings is not thus affected, it has further to be borne in mind that the sanction would in most cases be practically based upon the same reports and careful enquiries of the same set of officers whose recommendations are to be sanctioned. No reason has been given for the necessity of enacting so anomalous and extraordinary a measure. It is possible that the recent unhappy disturbances may have something to do with suggesting it. It is no doubt the first duty of a Government to preserve and to put down all attempts to disturb and break it. The strength of this Government to do this is beyond question. But without entering into the vexed questions of the character and responsibility of the recent disturbances, and without trying to draw any lessons or inferences from judicial trials like the recent ones at Poona, I may respectfully say that strength is not always usefully employed in devising harsher and harsher measures, but there are times when it shows at its best when tempered with calm discrimination, tact, and sympathetic treatment.

There is also another set of important provisions in the Bill which require serious consideration—those embodied in sections 7 and 8, relating to the grant of licenses for assemblies or processions which, in the judgment of the District Magistrate, would, if uncontrolled, be likely to cause a breach of the peace. In the existing state of tension between certain portions of the Indian community, it is easy to conceive that errors of judgment in working such a measure arising out of prejudice or even the most perfect honesty of purpose may lead to just irritation and

discontent. Experience also unfortunately shows that the mere existence of a power like this induces fanatical or factious people to raise pretentions never heard of before on the chance of causing sufficient alarm to lead both timid or impetuous officers to interfere on the spur of the moment. The subject is a delicate one, and it would, perhaps, be desirable to await the conclusion of the labours of the Select Committee before discussing it at this stage. Only, I may be allowed to express the hope that the Committee will bring to bear upon the consideration of the subject the care, wisdom, and impartiality which the importance of the question demands.

Lastly, I would invite the attention of the Council to a suggestion made by two important Associations in connection with section 17 of the existing Act for the appointment of special police officers. It deserves consideration, especially in view of an extraordinary proposal made by one of the Magistrates of the Bengal Presidency, that 'it should be made clear in the Bill that ringleaders on either side may be appointed special constables under section 17. * * Out here it is considered an indignity to be made a special constable.' I have always understood that it is not rioters, but peaceful citizens interested in the preservation of peace and order, who should be invited to become special constables. The matter is certainly one which deserves looking into.

SPEECH ON RESTITUTION OF CONJUGAL RIGHTS.

[*At a Meeting of the Imperial Legislative Council held on Thursday, the 28th February, 1895, Lord Elgin presiding, the Hon'ble Sir Alexander Miller moved that the Reports of the Select Committee on the Bill to amend certain sections of the Code of Civil Procedure and to repeal certain sections of the Punjab Laws Act, 1872, be taken into consideration.*]

The Hon'ble Mr. Mehta moved that the following be inserted as section 2A of the Bill as amended by the Select Committee, namely:—

'2A. After the first paragraph of section 260 of the said Code the following shall be added, namely:—

'Provided that no decree for restitution of conjugal rights shall be enforced by imprisonment of the defendant if the Court shall, for any sufficient reasons, to be stated in writing on the face of the order, think fit that it shall not be so enforced.'

He said:—I have not brought forward this motion, my Lord, with the view of obtruding my own personal predilections on the subject. But I find that, while the subject affects all India alike, the Select Committee whose report we are considering, numerously as it is composed, comprises within it representatives only of the provinces of Bengal and the Punjab, while Bombay and Madras had no voice in it. I should probably have even then remained silent, if this Council contained a Hindu or Muhammadan member from Bombay or Madras who would have voiced the best Hindu view of either of these Presidencies. In the absence of any such member, I think it a duty to represent what, I believe, would have been the views put forward if, for instance, there was sitting at this Council a Hindu like my late friend Mr. Justice K. T. Telang, a true and sincere Hindu of Hindus, from whom I, as well as many others, have learned to respect and appreciate many valuable aspects of Hindu social and religious life, and many valuable lessons of Hindu social and religious philosophy. I am not one

of those who believe in the utility of meddling with so peculiar and complex a system of social life and religion as Hinduism, especially from outside, and I should go with those who hold that whatever reforms may be desirable and necessary should be left to be developed by the action of time and education. But the proposal originally embodied in the Bill, and which I have put forward by my amendment in a somewhat different shape, is not, I think, one of indigenous essential Hindu growth; it is an excrescence which has got itself grafted from an extraneous jurisprudence. However that may be, I find in the papers placed before the Council such a weighty consensus of Indian opinion in favour of the proposal as I do not think the Council would be justified in passing by lightly. The mode in which I have framed my amendment is in accordance with the suggestion made by the two eminent Judges who at present adorn the bench of the High Court of Bengal, Mr. Justice Ghose and Mr. Justice Banerji. Their opinion on the subject is contained in the following joint Minute :—

'With reference to the proposed amendment of section 260 of the Code of Civil Procedure, we adhere to the opinion expressed by us in our minute of the 12th July, 1889. For the reasons therein stated, we think the law should be modified, not in the manner proposed by the Bill, which would make the enforcement of decrees for restitution of conjugal rights by imprisonment the exception and not the rule, but by adding to section 260 a proviso to the following effect :—

"Provided that no decree for restitution of conjugal rights shall be enforced by imprisonment of the defendant, if the Court shall, for any sufficient reasons to be stated in writing on the face of the order, think fit that it shall not be so enforced."

'This will have the effect of disallowing imprisonment as a mode of enforcement of decrees for restitution of conjugal rights in any case in which it ought not to be allowed, without practically abolishing it, as the proposed amendment is likely to do.'

The District Judge of Burdwan, Mr. Brojendra Cumar Seal, and the District Judge of Midnapur, Mr. K. N. Roy, both approve of the proposal, so also do the Zamindari Panchayat. That eminent scholar and distinguished Indian historian, Mr. Romesh Chunder Dutt,

Officiating Commissioner of the Burdwan Division, gives it his entire support and approval. He says:—

'Section 3 is a move in the right direction. To enforce a decree for restitution of conjugal rights by imprisonment of the defendant is a provision which is, I believe, not sanctioned by the ancient laws of the Hindus and Muhammadans; it is a provision which has been imported into the law of this country from the English law. Its repeal therefore can give no just ground of complaint to Hindus and Muhammadans.

'In practice, no respectable Hindu or Muhammadan ever seeks to get back his wife by putting her in prison. The only instances in which I have seen the law resorted to were instances of seduced or depraved women. Sections 497 and 498 of the Indian Penal Code are sufficient to meet the cases of seduction, and it is not necessary to have an additional provision in the civil law to meet such cases.

'On the other hand, the presence of the provision in the Civil Procedure Code is a standing threat against wronged women. It practically empowers the most profligate and cruel of husbands to keep his wife in custody like his cattle, and it prevents her from the only possible escape which is open to her, to go and live with her parents. The practice of habitually mal-treating wives is not common in this country any more than in other civilized countries. But nevertheless such practice is not unknown among certain classes, and it is cruel and iniquitous to prevent a woman in such instances from going and living with her parents.

'I do not think the enacting of section 3 of the Bill will give rise to any great agitation. One section of the community will oppose it—it is the section which would stop all reforms—it is the section which would like to see the practice of the burning of widows re-established in India. But the great mass of the Hindu and Muhammadan population will look upon the enactment of the section with indifference, and for the reasons which I have stated above it is incumbent on Government to enact it for the protection of those who cannot protect themselves.

'I have only to add that the clause allows imprisonment "for sufficient reasons to be stated in writing" by the Court. I myself think that imprisonment for the restitution of conjugal rights should be abolished altogether.'

Writing for the Central National Muhammadan Association, Nawab Syed Ameer Hossein says :—

'The Committee have no objection to the proviso, but they would suggest that a rider be added to it to the following effect:—"Should the Court be of opinion that a decree for restitution of conjugal rights should not be enforced by imprisonment of the wife, the latter should be debarred from suing for her maintenance or for her dower as long as she does not return to her husband."'

With regard to this proposed rider, it should be

borne in mind that no married woman could sue for maintenance if she refused to go to her husband without legal cause, and the very fact of a decree for restitution being passed would establish that there was no such cause. The Muhammadan Literary Society of Calcutta also approve of the proposal, only suggesting that 'the expression "sufficient reasons" in the proviso of the said section 3 should be interpreted consistently with the personal law of the Muhammadans.' Against this authoritative body of opinion, it is right to mention that the powerful voice of the British Indian Association is strongly raised in condemnation of the change. But their strongest arguments are directed against the way in which section 3 of the Bill as introduced in Council was framed, as they apprehended that, in that form, it would be tantamount to a virtual abolition of imprisonment for the wife's contumacy. It seems to me that the modified form proposed by Mr. Justice Ghose and Mr. Justice Banerji, and which I have accepted in my amendment, should go far to disarm their opposition. Under the strictest Hindu law that has been expounded, the King would have a discretion (in practice he had a large one) in imposing the fullest penalty for contumacy or disobedience according to the special circumstances of each case. The opinions received from the Bombay Presidency not only do not disclose any disapproval, but the Local Government recommends a step further and is inclined to abolish imprisonment altogether, in accordance with a strong expression of opinion in that behalf by the District Judge of Satara, Mr. Satyendra Nath Tagore. The Madras Presidency is not only unanimously in favour of the proposal, but a voice comes from it which is entitled to the greatest respect. I refer to the opinion of a Hindu Judge whose loss all India deplores in common with the Presidency to which his great services were devoted, Sir T. Muthusawmi Iyer. His devout and sincere conservatism was as unquestioned as his knowledge of Hindu law and usage was

profound. In the Minute appended by him, Sir T. Muthusawmi Iyer says:

'The proviso added to section 260 is, I think, necessary, as cases frequently arise in which the relation between the husband and wife is so strained that their own permanent interest requires that execution by imprisonment should be safeguarded in the manner prescribed by the proviso.'

I think that the above consensus of opinion is of so weighty a character that it justifies me in asking the Council whether it is not right and desirable that the proposal in the extremely moderate form in which I have put it in my amendment should not be passed into law. In their further Report, the Select Committee say that they 'have omitted section 3 of the Bill as introduced, because in our opinion the country is not yet ripe for the change in the existing law which it proposed to make.' This is a startling statement to make. There are certain pieces of legislation which I should have thought the Government would never bring forward at all unless they had ascertained that the country was ripe for them. I should have thought that section 6 of the Bill as introduced was one of such pieces. The announcement of the Select Committee cannot but therefore come upon the Council with great surprise. The materials before the Council, however, do not quite bear out their conclusion, and I therefore venture to place before the Council the amendment I have moved.*

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* The Hon'ble Sir Alexander Miller said:—'I feel myself bound to support this amendment. In giving my reasons I will begin by stating the historical position which the question occupies. Up to the year 1857 such a thing as a suit for the restitution of conjugal rights was unknown to the common law either in India or in England. The existence of such a suit depended upon the ecclesiastical law, and the only way in which such a a decree could be enforced was by excommunication. In the year 1857 matrimonial cases were transferred from the Ecclesiastical Courts to the newly established Court of matrimonial jurisdiction, commonly known as the Court of Divorce, and an eminent common lawyer who was placed first at the head of that Court considered that all cases that came before him were to be enforced in the same way, in other words, that execution was to issue for contempt of Court upon disobedience of any of his decrees, no matter

The Hon'ble Mr. Mehta said:—I have only one word to offer with regard to an observation of the Hon'ble Sir Antony MacDonnell's. The honourable member said

what the character of the suit in which the decree was made might be. How that came to be adopted in India I do not know, but all I do know is that on the question coming before the Privy Council on the question of Parsi marriages, that august body expressed a strong opinion that a suit for the restitution of conjugal rights was only applicable to Christian marriages. I do not know all the particulars. I have not looked into the case very carefully, and I cannot say whether that opinion really amounts to an actual decision or whether it was only a very solemn *obiter dictum*. In any case it was an opinion of the very highest weight, and it had the effect of materially altering the form in which the Parsi Marriage Act was passed in this country. That seems to have been the position in which the matter stood up to the year 1877, less than twenty years ago. As the Hon'ble Sir Griffith Evans has told you, on the amendment of the Civil Procedure Code in that year, my learned friend Mr. Whitley Stokes entirely on his own responsibility introduced a few words into section 260 which did not previously exist there, the result being that the discretion of the Court which had hitherto existed to enforce its own decree or not as it pleased, was taken away, and incidentally a right was given to the plaintiff which had not previously belonged to him to have his decree enforced in a particular manner. Under these circumstances, as far as I have been able to discover, almost the only case in which this particular form of suit has attracted any attention, was the one known as "Rukmabai's case," which came before the Government of India in the year 1888 or 1889, I think.

'I entirely agree with what the Hon'ble Sir Antony MacDonnell has said, that Rukmabai's case is not to be taken as a fair specimen of the Hindu marriage law. On the contrary, I believe it to be just one of those cases which occasionally arise where the Hindu marriage law would have worked out fair and reasonable justice between the parties if left to itself, and the only thing which produced the scandal—which was a very serious scandal—which arose in the case was the application of this excrescence of English law on the top of the Hindu marriage law and opposed to its general principles. Under these circumstances the Government of India took the matter into consideration, and after a very mature consideration they passed an Order in Council in the year 1890, when no one who is now a member of the Government was there, that this clause, in the modified form in which it was introduced in this Bill should be accepted and introduced on the first occasion of the revision of the Civil Procedure Code. So the matter rested till the year 1893, when this Bill was for other purposes about to be introduced, and on that occasion the matter was again discussed. The result of that discussion was that the clause in question was directed to be inserted in this Bill. It is true that after the Select Committee had rejected the clause, the Government authorized me so far to acquiesce in their decision as not to attempt to reintroduce the clause by motion in Council, and the Council will observe that I have not given notice of any amendment.

that I represented the most advanced opinion of the Bombay Presidency. I thought I had made clear that I was only representing the conservative and orthodox

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'Now, I wish to point out that the opposition to this Bill arises in my opinion entirely from a misapprehension of a very important fact that there is in the law of India, what does not exist in the laws of England, a very sufficient method by which a man can get back a runaway wife. It is a suit which is known to the Hindu law as a suit for the delivery of a wife, and Section 259 of the Code of Civil Procedure prescribes that in a case of a suit for the delivery of a wife, where an action is brought and a decree obtained, the plaintiff is entitled to have his decree executed by the woman being brought into Court and handed over to him there and then. That is a procedure which is entirely in accordance with Hindu practice and sentiment, which it is not proposed in the least to interfere with, and which will apply to every case in which there is a runaway wife, except a few exceptional cases where, there being no one else in the background, the woman herself refuses to return. Now, as far as I have been able to discover, although I do not pretend to have made an exhaustive examination, the great bulk of the cases referred to have been really cases against third parties for the delivering up of a wife—cases in the nature of a *habeas corpus*, in which the law provides that the wife shall be delivered up. I think that in point of fact it will be found that the necessity for the particular section scarcely exists at all, and the country got on very well without it down to 1877, and that the procedure which prevailed up to that time was found ample for the purpose—a procedure which it is not proposed to interfere with. Now it was stated in reference to this by my honourable friend Babu Mohini Mohun Roy that the Punjab Government is strongly against the proposal. The fact is that the proposal is now put in the form which commended itself to the Punjab Government. It is perfectly true that, as the clause was introduced into the Bill, the Punjab Government was opposed to it, but in the form in which it is put in this amendment it is in accordance, not in words but in substance, with the proposals made in the letter, *vide* Punjab Government; and, if I may venture to say so, it is also in accordance with the letter which has been read by his Honour the Lieutenant-Governor of Bengal as coming from the Chief Commissioner of Assam, because what the Chief Commissioner of Assam says is that imprisonment should be the rule "and should be departed from only on due cause being shown." That is exactly what the amendment proposed, that imprisonment should be the rule which should only be departed from on due cause being shown. So that it is in accordance not only with the proposal of the Punjab Government and with the letter from Mr. Lyall which has been read by his Honour the Lieutenant-Governor, but I think it worthy of remark that every member who has spoken, with one exception, has expressed himself in favour of the principle of the amendment, and that the grounds which have been urged against the amendment, if they were well founded, would have shown themselves during the long interval between 1855 and 1877, when such decrees were

view of the matter in the presidency of Bombay as well as in those of Madras and Bengal.

made but were not enforceable except at the discretion of the Court and that no such difficulty appears to have ever arisen. I therefore earnestly hope that the Council will see its way to replace the law in the condition in which it was at the commencement of 1877, and to get rid of what, I am bound to maintain, is a modern excrescence introduced by accident, under what I cannot help thinking was a misapprehension on the part of my friend Mr. Whitley Stokes, and to leave the law to work for the future in the form in which it did work satisfactorily enough down to eighteen years ago.'

SPEECHES ON THE POLICE BILL.

[*At a meeting of the Imperial Legislative Council held on the 24th February 1895, Lord Elgin presiding, the Hon'ble Sir Antony MacDonnell moved that the Report of the Select Committee on the Bill to amend Act V of 1859 (an Act for the Regulation of Police) be taken into consideration.*]

The Hon'ble Mr. MEHTA moved as an amendment to the Hon'ble Sir Antony MacDonnell's motion that the Bill as amended by the Select Committee be published in the local official Gazettes of the Presidencies of Fort St. George and Bombay in English and in such other languages as the local Governments think fit and be referred for opinion to those Governments, and that the Bill be recommitted to the Select Committee for further report after consideration of such opinions and representations as may be received in respect thereof. He said :—My Lord, the necessity for the amendment which I move arises from the somewhat unexpected manner in which the Select Committee has suddenly proposed to modify a section in the present Act which was not originally dealt with in the Bill, namely, section 46 of the Act. That section empowers the Government of India to extend the whole of the Act to any presidency, province or place. The Select Committee now propose by a new section (section 15 of the amended Bill) to modify that section so as to enable Government to extend a part of the Act as well as the whole. Under the Bill as it was originally introduced, which did not in any way touch section 46, there was no practical probability of its proposed provisions affecting the Presidencies of Madras and Bombay. That such was the view entertained by the Government of India is manifest from the circumstance that while the Bill was sent for publication and opinion to the provinces of Bengal, North-Western Provinces and Oudh, the Punjab, the Central Provinces, Burma, Assam and Coorg, and for opinion to Ajmere,

British Baluchistan, Hyderabad, and the High Court of Calcutta, it was not so sent to Madras and Bombay. In both these Presidencies there are special Police Acts, dealing minutely with the constitution, organization and the discipline of the police-force. With regard to Madras, the District Police of that Presidency is governed by the provisions of Act XXIV of 1859 of the Governor-General in Council. While this Act has provisions in sections 13 and 14 for employment of additional police officers on the application and at the cost of private individuals, and for the appointment of an additional force in the neighbourhood of any railway, canal or other public work, at the expense of any company carrying on such works, which closely correspond with sections 13 and 14 of the Police Act V of 1861, there are no sections in it corresponding either with section 15 of the latter Act, or to the sections which are now proposed to be substituted for that section by the amending Bill before the Council for quartering additional police in disturbed or dangerous districts, or for the additional section proposed to be added for award of compensation to sufferers from the misconduct of the inhabitants or persons interested in the land in those districts. Similarly, while section 49 of Act XXIV of 1859 provides for the regulation of public assemblies and processions and for the use of music in the streets on the occasion of Native festivals and ceremonies, there is no section in it corresponding to clauses (2) and (3) of section 30 and the whole of section 31A as proposed to be substituted or added to by sections 10 and 11 of the amended Bill. In the Presidency of Bombay, the regulation and control of the district police has been from early times a matter of local enactment. Sir George Clerk first took up the subject in 1856, and when he returned a second time as Governor, further developed his scheme and placed the police on a basis which was governed to some extent by the ideas embodied in the general Police Act of 1861 of the Government of India, which was not adopted in and applied to Bombay. In

1869 the matter was again dealt with fully in Bombay Act VII of 1869, which governed the law on the subject till the present Bombay District Police Act of 1890 was passed by the local Legislature in the time of Lord Reay. The Act of 1867 was not, however, repealed in Sind, where it is still in operation. Both the Acts of 1867 and 1890 have sections—sections 16 and 25, respectively—closely modelled on section 15 of the general Act V of 1861 for employment of additional police in local areas in a disturbed or dangerous state. But they are materially different from the sections proposed to be introduced in the same behalf by the Bill as originally introduced and also as amended by the Select Committee. Section 16 of the Act of 1867 provided that the cost of the additional police may be defrayed by a local rate charged on the part of the country described in the notification, and the Collector, on the requisition of the magistrate of the district, was empowered to levy the amount by such an assessment on the inhabitants thereof as the Collector should in his discretion think just. The Act of 1890 now provides by section 25, sub-section (2), that the cost of the additional police shall, if Government so direct, be defrayed either wholly or partly, by a rate charged on the inhabitants generally or on any particular section of the inhabitants of the local area. Neither of the two Acts contains any such power as is now proposed to be given by section 4 of the amended Bill to render absentee landowners and inamdars liable, or 'to exempt any person or class or section of the inhabitants (made liable in the proclaimed area) from liability to bear any portion of such cost.' With regard to the new sections in the amended Bill for award of compensation to sufferers from misconduct of the inhabitants or persons interested in land, there is absolutely nothing corresponding to them in either of the two Bombay Acts of 1867 or 1890. Again, sub-sections (2) and (3) of the new section 30 proposed to be substituted by section 10 of the amended Bill have nothing corresponding to them in the Bombay Acts. It

will be thus seen that the Bill before the Council proposes important and material alterations and additions to the Police Acts prevailing in the Presidencies of Madras and Bombay. As the Bill was first introduced, there was no reasonable prospect of the new provisions threatening to invade these Presidencies, because it would not have been practicable, as I have pointed out above, though not illegal, to apply to them the entire Act, which alone section 46, untouched as it was by the original Bill, empowered the Government of India to do. But the Select Committee have suddenly thought it advisable to recommend that the net should be cast far and wide, so that the two Presidencies may also be secured within its meshes. It may not have been the conscious intention of the Select Committee to do so; but anyhow the two Presidencies are now made easily and directly liable to have the new provisions made applicable to them by virtue of the modification of section 46, embodied in section 15 of the Bill, whereby any one part of the Act may be extended to any presidency, province or place. There would now be no fear of serious dislocation or disarrangement of the machinery of police in these presidencies, as would inevitably be the case in extending the whole Act. It could only have been in view of their practical exclusion from the operation of the proposed legislation that the Bill was not referred to them for opinion and publication. Now that the prospect is drawn closer within measurable distance, I submit, my Lord, that it is only fair and reasonable that the opportunity which was given to the other presidencies and provinces and places, should not be denied to these two great and important divisions.

It might not, perhaps, have been necessary or desirable to press my motion if the Bill had emerged from the Select Committee really shorn of its most objectionable features. It is true that the Select Committee claim to have made important changes in some of the most obnoxious sections of the Bill. But when closely examined, the change turns out to be only a theatrical transformation

after all. Some paint and some powder have been no doubt used to soften the features, and new and flowing habiliments have been thrown over the gaunt spectre, but beneath the bland smile and the respectable attire the cloven foot is visible after all. The section in the Bill as introduced boldly gave power to the executive to differentiate as they pleased; the amended Bill endeavours to carry out the same object by giving them power to exempt whomever they liked, by whisking them out by a backdoor. The Select Committee evidently seem to think that, as the public could not be persuaded to advance in the direction of the Bill by being pulled from the front, they had better try the Hibernian device of pulling by the tail from behind. In spite, however, of the explanations and arguments of the honourable member in charge of the Bill, into the details of which it would not be right to enter now, to my mind the amended Bill essentially remains what it has been well described to be in the representation of the European and Anglo-Indian Defence Association, 'an unwise and impolitic measure calculated to work very grave and serious injustice, and certain to cause much disaffection.' This estimate of its character and tendency has been almost unanimously endorsed by the Indian as well as the Anglo-Indian press of the whole country.

My motion, if passed, will no doubt entail considerable delay. But I trust, my Lord, that the honourable member in charge of the Bill will not oppose it on that account. His justification for its main provisions has been largely placed by him in his desire to save the innocent from being punished with the guilty. But I may be allowed to hope that his passionate devotion to a high ideal of perfect justice will not lead him to try to achieve it by starting with an act of injustice to the two Presidencies which are entitled to be heard on a measure affecting some of their most important interests. It has not been urged that the measure is one of any pressing emergency. On the contrary, one may venture to say that it is eminently one of a character which it would

be politic and desirable to remove from the present moment, till the sentiments and passions roused by recent events have in a great measure, if not entirely, subsided so as to allow of a calm and dispassionate consideration.

The Hon'ble Sir Griffith Evans moved that the following be substituted for sub-section (5) of section 15 of Act V of 1861, as proposed to be substituted by Section 4 of the Bill as amended by the Select Committee, namely :—

'It shall be lawful for the Local Government by order to exempt any persons or class or section of such inhabitants from liability to bear any portion of such cost.'

The Hon'ble Mr. Mehta said :—I do not propose to oppose or support the Hon'ble Sir Griffith Evans' amendment on the point. It seems to me that the words 'the Local Government,' if substituted, will not alter matters appreciably, as it will be remembered that the original words in the Bill were not simply 'the District Magistrate,' but 'the District Magistrate with the sanction of the Local Government.' In either case, the Local Government will act on the initiative and report of the District Magistrate. My objections to the section would apply equally to the section as it stood and to the section as it is sought to be amended.

The Hon'ble Mr. Mehta moved that sub-section (5) of section 15 of Act V of 1861, as proposed to be substituted by section 4 of the Bill as amended by the Select Commitee, be omitted. He said :—My Lord, it is no doubt true, as I have already acknowledged, that the Select Committee has decked out this section in different habiliments from those which adorned it in the Bill as originally introduced. They have even done something more. They have pulled out the sting from the head. Only they have now quietly put it in the tail. They have deleted the arbitrary power of differentiation which it was first proposed to be vested in the District Magistrate, and then quietly reintroduced it at the bottom of the

section under the disguise of a power of exemption ; and they have done this with a vengeance. The District Magistrate can now exempt persons under sub-section (5) for any and no reason whatever as he may be swayed by his wisdom or his idiosyncracy, his caution or his conceit, his impartiality or his prejudice. I am aware that under Sir Griffith Evans' amendment it will be now the Local Government, but it really only removes the matter one step farther, because after all the Local Government will act on the report of the District Magistrate. My Lord, I have cordially recognised elsewhere on many occasions the great qualities which generally distinguish the members of the most distinguished service in the world, as they love to describe themselves, though I do not always think it either relevant or proper to sing perpetual hallelujahs in its honour whenever I may have occasion to speak of or refer to it. If I may be pardoned for indulging in so much personality, I will take the liberty of adding that I have even done it both by word and deed as far as I could do it in my small and restricted sphere of action. But I still maintain that no body of men should be entrusted with either the power of differentiation or the power of exemption as is now sought to be conferred on executive officers, who, with all their culture and all their training, cannot claim immunity from the common lot of human weakness and human frailty. In his speech on the occasion when the Bill was last before the Council, the honourable member in charge said:—

'The objections are suggested by the suspicions which the opponents of this Bill seem to entertain regarding the District Magistrate and his capacity for impartially holding the balance between parties in contentious circumstances or troublesome times. My Lord, I do not deny that Magistrates occasionally commit errors just as Judges do : but our Magistrates and our Judges are drawn from the same class of public servants ; and I say without fear of contradiction that the natural capacity of our Magistrates and their honest desire to do their duty impartially and fairly are not less than those of Judges, as I should be sorry to say they are greater.'

It is a wonder to me, my Lord, how the honourable gentleman, whose reputation for distinguished ability is

not confined to these provinces, should so completely miss the point of the objection. The slightest reflection will show him that the objection is not to the individual, but to the method. It is not that there is any comparison made between executive and judicial officers as to their respective abilities as official individuals. The objection is based upon the method which either officer is required to employ in arriving at a conclusion. I have no doubt that there are equally able men in the executive as in the judicial service though, indeed, among themselves, I believe, they think somewhat differently. Call him what you will, Magistrate or Judge, the objection will apply to him as soon as you entrust him with the power to set at naught all judicial form in performing a task like that of differentiation and exemption. But I trust I shall not be understood to urge that I should have no objection to the provisions for the purpose, if only they were required to be performed in judicial form. I am quite at one with the honourable member when he pointed out that 'an enquiry into individual cases for the purpose of exemption from the assessment is out of the question; and still more impracticable is an enquiry into degrees of guilt.' In fact, the task of exemption is not practicable either by summary or judicial procedure. In either way, to do a little justice you would have to run the risk of doing a great deal more injustice. The task which the honourable member has set himself, in his desire for a nice perfection of justice, to impose by this Bill is in reality an impossible one.

Equally fallacious, and withal somewhat inconsistent besides, is his further plea that 'it is a measure not for the punishment but the prevention of crime.' I say inconsistent because, if the object be so, then why worry oneself with nice provisions for accurate discrimination between innocence and guilt and with futile precautions for exempting the innocent? Surely all police is preventive, and the burden of it falls upon the innocent and the guilty alike. Nobody has yet proposed that the cost of

the general police should be levied only from the inmates of jails or that peaceful and virtuous citizens should be allowed to claim exemption from the common burden. But the honourable member's argument is, moreover, altogether fallacious. So far as the quartering of the additional police in disturbed or dangerous districts is concerned, it is certainly a measure for the prevention of crime, but the moment it proceeds to impose the burden of the cost upon the disturbers of the peace, it is no less surely a measure of punishment, though, of course, like all measures of punishment, it indirectly has also prevention for one of its main objects. Its popular designation of a punitive police is undoubtedly correct. But it seems to me that the argument as to the object being punishment or prevention is entirely beside the mark. The plain issue is that, whatever may be the object, whether it is practicable and expedient to differentiate or exempt in the apportionment of the cost, the contention of those opposed to the section is that it is an object which is neither attainable in practice nor expedient in policy. When the honourable member urged that 'this Council should not proceed on any assumption other than that the laws it makes will be prudently and fairly and effectively administered,' he forgot, what has been well pointed out, that the science of politics bears in one respect a close analogy to the science of mechanics. The mathematician proceeds on the supposition that the machinery is such as no load will bend or break. If the engineer who has to lift a great mass of real granite by the instrumentality of real timber and real hemp, should absolutely rely upon mathematical propositions and should make no allowance for the imperfection of his materials, his whole apparatus of beams, wheels and ropes would soon come down in ruin. What the engineer is to the mathematician, the active statesman is to the contemplative statesman, and the honourable member will pardon me for saying that he is acting like the contemplative statesman who does not realise the necessary imperfec-

tions of the human implements who have to work and carry out the laws which this Council may make, and imagines that the executive machinery is such as no load will bend or break.

The second innovation which the section proposes to make in the existing law consists in the attempt to include among inhabitants of an area, and as such liable to be assessed, all persons who by their agents or servants hold immoveable property therein, or who by themselves, their agents or servants collect rents from tenants in such area, notwithstanding that they do not actually reside there.

The Hon'ble Sir Antony MacDonnell :—My Lord, I should wish to speak to a point of order. The question of 'inhabitants' is not included, as I understand it, in the amendment of the honourable member. The honourable member's amendment is that sub-section (5) of section 15 of Act V of 1861 as proposed to be substituted by section 4 of the Bill as amended by the Select Committee be omitted, and the question of exemption is a separate point. It is an important matter, and it would seriously inconvenience me in replying to the honourable member if I have to reply upon two distinct points at once.

His Excellency the President :—I think it is a separate amendment.

The Hon'ble Mr. Mehta :—Very well, my Lord, I will reserve my detailed observations on that point till afterwards.

All the objections urged above to the power of exemption apply with even greater force to this proposal, inasmuch as it opens up a vaster vista for the mischievous play of rumour and suspicion. I do not know what the Select Committee really mean by saying that in thus extending the definition of inhabitants they follow the principle of the English law on the subject. If they mean that the police-rate in England is chargeable on immoveable holdings that may be correct, but then illustration is scarcely to the point at issue regarding liability for a

punitive force. However that may be, it is sought to conciliate absentee landlords by pointing out in the Report that the power to exempt persons has been inserted with the object of enabling the Magistrate to exempt individual holders of property in the area. I have always thought that the political genius of the English people was conservative and practical; and never to lay down any proposition of wider extent than the particular case for which it is necessary to provide, was one of the principles which have generally guided English legislation. But, if the power to exempt 'persons' could enable the Magistrate to exempt individual holders of property, it could equally enable him to exempt persons not holders of property at all, and thus the measure becomes a measure capable of dealing with individuals, whether landlords or not, though the honourable member in charge has always strenuously maintained that it was not the intention of the Government to give any power to deal with individuals either with the view of exemption or punishment, except in the case of absentee landlords. The section is, indeed, unjustifiable from whatever point of view you look at it, and to my mind nothing so hopelessly condemns it as the circumstance that an honourable member who is justly distinguished throughout all India for the highest capacity and the most cultured liberality of thought and judgment should be unable to support it by any arguments which, on the most ordinary examination, do not crumble into a tangle of fallacies and misconceptions, *e.g.*, like his laboured defence of the preventive as against the punitive character of the additional police.

On the last occasion, my Lord, I deliberately abstained from referring, except very briefly, to the considerations which stamp this measure as gravely impolitic and singularly ill-timed. It will be futile to discuss these considerations unless they were discussed fully. It would be, however, most undesirable to revive feelings which we should all strive to set at rest. The task has besides to a certain extent been ably performed by the organs of

the public press; and I trust that Government will still reconsider their position in view of the singular unanimity with which nearly every Anglo-Indian paper of note, in common with the Indian press, has condemned this measure as unwise and impolitic. That it is not impossible for executive officers to err seriously in their estimate of parties responsible for disturbances has been signally shown in the judicial results of the Poona riot cases, with the final rejection by the High Court of the appeal made by Government. It would be deplorable to multiply occasions when such errors might be repeated, and the grave impolicy of this measure lies in creating them for the contemplative purpose of striving after a sentimental perfection of justice. The Knights of the Round Table rushed to the quest of the Holy Grail without taking account of human passions and frailties, and we know the ending. It may be a pure tale of romance, but the great truth which underlies it is one which we can always remember with profit.

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The Hon'ble Mr. Mehta said:—I wish to offer in reply only one remark which will apply equally to the repeated observations of Sir Antony MacDonnell with regard to the experience of the Bombay Government and to those of Sir Griffith Evans as to the immunity of the Local Government from being led astray. I wished, my Lord, not to be led into a discussion of the action of the Bombay Government, or, indeed, to discuss in detail the lessons to be derived from the action of the executive during the recent disturbances, but as the honourable member has harped so often upon the experience of the Bombay Government, I must say, my Lord, that that experience has been judicially demonstrated not to be of an encouraging character and to point the moral entirely the other way. The experienee of the Poona riots, to which I alluded but briefly, conclusively shows that, with the best of intentions and what are called the most careful enquiries of the executive officers, they

hopelessly went wrong in their estimate and moral conviction regarding the liabilities and the respective parts taken by the parties concerned in those riots. And equally did the Bombay Government go wrong acting upon the so-called careful enquiries and opinions of its executive officers. This has been established by a series of judicial decisions, the appeal against which by the Bombay Government has been recently rejected by the High Court. The experience of the Bombay Government only shows how liable executive officers are to make serious blunders, the result of which, as in the Bombay Presidency, is to create deep exasperation among a large and important community.

[The Hon'ble Mr. Mohini Mohun Roy moved that Sec. c. 4 of the Bill be omitted.]

The Hon'ble Mr. Mehta said:—I have already said what I had to say on this section in moving my amendment. The honourable member in charge of the Bill tells us that he has furnished us with arguments; he could not furnish us with brains—I beg the honourable member's pardon, I mean the capacity to appreciate and understand his arguments. But how does his case stand? He gave out all his arguments when he moved for a Select Committee, and not only the Indian press, but nearly the whole of the Anglo-Indian press, the Anglo-Indian Defence Association, and last but not least the Bengal Chamber of Commerce,* they have all

* *From Secretary, European and Anglo-Indian Defence Association, to Secretary to Government of India, Legislative Department, (No. 536, dated 13th February 1895).*

I have the honour to submit the following observations of the Council of the European and Anglo-Indian Defence Association on the 'Bill to amend Act V of 1861' and to ask that they may be considered.

1. The first paragraph of the new section 15 appears to be identical with the paragraph of the old section 15, but the rest of the section appears to be most objectionable for the following amongst other reasons:—

(*a*) It gives to District Magistrates power over the property of her Majesty's subjects which ought never and least of all at the present time to be vested in them.

failed to be convinced by his arguments and have pronounced the Bill unwise and impolitic. If the

(*b*) Though the object may be prevention, and one if not the chief object of punishment is prevention, it gives District Magistrates power to punish people for having, in the opinion of the Magistrate, however formed, caused or contributed to the disturbance or any other cause which may have led to the quartering of the additional police-force and this without necessarily any enquiries and without giving those about to be so punished any opportunity of showing cause.

(*c*) To punish a man without giving him an opportunity of showing cause has in all ages been held to be contrary to the first principles of natural justice.

(*d*) Any person 'having an interest in land' is made liable. If such a provision is to be introduced at all it ought to be limited to a holder of land and the measure of his liability ought to be the income that he derives from that land.

2. The new section 15A is objectionable on the above grounds and also upon, amongst others, the following grounds :—

(*a*) It gives the Magistrate in his executive capacity concurrent jurisdiction with the Criminal and the Civil Courts and surely it cannot be intended that claimants should have this as a further and additional means of prosecuting their complaints.

(*b*) There seems to be no precedent for giving Magistrates such vague and indefinite powers to deal with what is vaguely described as misconduct without necessarily any observance or recognition of any legal principles, and upon principle no such precedent ought to be established.

3. The only justification for the quartering of punitive police or the levying of fines from districts is that offenders cannot be discovered by the ordinary law. If the law cannot reach them it is because evidence cannot be obtained of their guilt. It seems contrary to justice to give under these circumstances any officers the power of punishing those against whom there is no evidence but who in their opinion are the guilty parties. If it be looked upon as a power of exempting those who in the opinion of the Magistrate are innocent, it is little less objectionable, for the elimination of such persons will leave those who in his opinion are guilty and those who in his opinion are or may be innocent to bear together a heavier burden.

4. This Council feel bound to express their opinion that the Bill as it stands is an unwise and impolitic measure calculated to work very grave and serious injustice and certain to cause much disaffection. Should the Bill be modified in Select Committee and should the Government determine to proceed with it this Council trust that sufficient time will be allowed for the consideration by the public of the Bill as amended.

(Sd.) W. C. MADGE,
Secretary

honourable member will pardon me for doing so, will he allow me to remind him of a bit from the greatest of

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BENGAL CHAMBER OF COMMERCE.

Calcutta, 20th February 1895.

No. 223-'95.

FROM

S. E. J. CLARKE, ESQ.,
Secretary, Bengal Chamber of Commerce.

TO

J. M. MACPHERSON, ESQ.,
Officiating Secretary to the Government of India,
Legislative Department.

SIR,

The Committee of the Chamber of Commerce had their attention drawn to the Bill now before the Council of his Excellency the Governor-General for making Laws and Regulations, being a Bill to amend the Act V of 1861, for the Regulation of Police, and referred its consideration to a Special Committee of the Chamber. That Special Committee has reported that 'no amendment in the existing law is called for by the circumstances of the country.' They also report 'that they view with alarm the arbitrary and unusual powers which the amended law would confer upon magistrates, who, from the nature of the matters dealt with, must of necessity be to a large extent in the hands of the police.'

2. The subject had also attracted the strong attention of the Indian Tea Association who have addressed the Chamber to the same effect, and copy of whose letter is annexed hereto for your information.

3. It seems to the Committee that sections 154, 155, and 156 of the Indian Penal Code sufficiently provide for riots and disturbances connected with land. Again, sections 13, 14, and 15 of Act V of 1861 give ample power to Magistrates and the police for the preservation of order, and the punishment of disorder in cases where riots, disturbances and disorders may arise from other causes than those connected with land. And if in England the expense is to be borne by the police rate of a police district, or a part of a police district, the meaning sought to be put upon the term 'inhabitant' is strained, and the principle enunciated in section 15 of the Act of 1861, is more consonant with the principle of English law than the scheme set out in the amended Bill.

4. The Committee cannot, in the interests of those they represent,—the trading classes scattered throughout this great province,—view with any approval a project of law which places upon the Magistrate the duty of discriminating, in times of excitement and disturbance, between those who are innocent and those who are guilty. They think such a task is beyond the ability of any officer, however well informed or zealous he may be, and they also think that it may not improbably compromise that attitude of grave yet stern impartiality towards all religious sections

dramatists—Shakespeare—who makes Cassio insist that he was sober and it was the others who were drunk? His arguments and those of the other official honourable members all harp upon the excellence of the objects and intentions with which this Bill is introduced. My Lord, nobody has questioned that the objects and intentions with which the Government of India has brought in this Bill are most excellent. I certainly do not question them for one moment. But the question is not, whether your objects and intentions are excellent,

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which now characterises the action of Government. A slight error of judgment would be sufficient to direct against Government those forces of fanaticism which every one who wishes well to the country must deplore as now not unfrequently operating to array section against section. Such a result, however brought about, would be a grave misfortune. For these reasons the Committee support and confirm the representations of the Sub-Committee and of the Indian Tea Association.

I have the honour to be,
Sir,
Your most obedient servant,
(Sd.) S. E. J. CLARKE,
Secretary.

ACCOMPANIMENT:

Letter No. 36-O, dated 18th February, 1895, from Indian Tea Association to Chamber.

INDIAN TEA ASSOCIATION,
NOS. 1 & 2, CLIVE STREET,
Calcutta, 18th February, 1895.

No. 36-O.

THE SECRETARY,
BENGAL CHAMBER OF COMMERCE.

Dear Sir,

I am directed by the General Committee, who have had their attention drawn to the Bill to amend Act V of 1861 (an Act for the regulation of Police) now before the Legislative Council of the Government of India, and have discussed its provisions, to say that they trust the Committee of the Chamber will record a strong protest against the Bill being passed into Law, as being uncalled for by the circumstances of the country and conferring powers of much too wide and arbitrary a nature upon District Magistrates.

Yours faithfully,
(Sd.) W. PARSONS,
Assistant Secretary.

but whether the measures by which those objects and those intentions are sought to be carried out are calculated to do so, and whether, in carrying some of them out, you are not adopting measures which will not create mischief in other and numerous directions. We say it is the latter which the Bill is calculated to do. It is all very well to talk of careful enquiries and prudent administration. But let us try for a moment to realize what these things mean in actual practice and in detailed action. I speak from a somewhat long experience of nearly every district of the Bombay Presidency in the course of professional employment, and I say that the District Magistrate is largely dependent—I do not say entirely—on the enquiries and information of his assistant, who in his turn is dependent on the lower officers. They no doubt make some enquiries of their own, but they are largely controlled by those of the lower officers, police and others. Now I do not wish to say that all these lower officers are bad and unreliable ; many of them make excellent officers. But still the fact is that on important occasions they are likely to be swayed by influences in which interest, prejudice and partiality may largely enter. This opens an immense door to abuse and oppression. The higher officers are not often in a position to discriminate between the reliance to be placed on these lower officers and are often carried away by the initial taint. This is why we say that the task of exempting and discriminating should not be undertaken at all.

The Hon'ble Mr. Mehta moved that section 5 of the Bill as amended by the Select Committee be omitted. He said :—I may be permitted respectfully but firmly to say that I find it difficult to believe that the Government have fully realised the gravity of the step that they ask the Council to take in putting on the Statute-book a provision so extraordinary as that embodied in this section.

What is sought by this section to do is to empower the Magistrate of the district, or rather the officer who in other respects is Magistrate of the district, to grant compensation for damages by riots to whomever he thinks fit, and from whomever he thinks proper, without trial or judicial enquiry. This is a procedure so repugnant to all systems of enlightened legislation that the honourable member in charge of the Bill has felt compelled to cite analogy and precedent. He could find none within the length and breadth of the Indian continent ; so, with a courage which is almost startling in its utter fearlessness, he crosses over the seas to the land, above all others, of free Englishmen. 'The clause,' says the honourable member, 'is adopted from the English Statute 49 & 50 Vict., cap. 38, and is merely an adoption of an ancient and existing principle of English law to the circumstances of this country.' My Lord, it is a remarkable fact that when rights and privileges corresponding to those prevailing in England are claimed for this country, it is immediately discovered that the circumstances and historic associations of the two countries are ever so different. But when it is a question of imposing burdens and disabilities, the closest analogy is as patent as daylight. I do not for a moment mean to question that there might not be occasions when both these propositions might not be found to be perfectly true. But, recognising the limitations of the human judgment, it is very desirable that such assertions should be closely scrutinised. Now, my Lord, when the honourable member drew out an English Statute for analogy, I confess that for the moment it took my breath away, and made me feel extremely foolish and crestfallen about my ignorance. But equally strong was the reaction and the amazement when, on referring to the Statute, I found that the honourble member's analogy was as perfect as the definition which was once given of a crab, namely, that a crab is a red fish which walks backwards. We know the criticism upon the definition—that it was perfectly correct, except

that the crab was not a fish, that it was not red, and that it did not walk backwards. Similarly, the honourable member's analogy is quite perfect, except, firstly, that the English Statute deals only with counties, boroughs and towns which maintain a separate police-force of their own, and not, as the proposed section does, with districts where the police is maintained and paid by Local Governments out of Provincial funds. Secondly, the police authority referred to in the Statute is as different from the District Magistrate of the section as a European from an Asiatic; the designation technically stands in the Statute for the Common Council of the City of London, for the Mayor, Aldermen, and burgesses of boroughs, and Justices in general or quarter sessions assembled in the case of counties. Thirdly, the Statute provides for no compulsory award of compensation against these bodies; it only enables parties to lay their claims before them under certain limitations. But, above all, section 4 of the Statute is the most instructive. The local bodies representing the inhabitants of the district may refuse to entertain the claim, and then, says the section, the only remedy is to bring an action against them to recover the claim for compensation. It is difficult to see how anybody could have discovered an analogy between the English Statute and the legislation now proposed, so diametrically opposed are they in their objects, their principles and their operation. The English Statute, recognizing the liability for the inefficiency of the police of those liable to maintain it, provides only for a mode of settlement out of Court if that were possible; it does not dream of compelling the award of compensation without the safeguards of a judicial enquiry.

Leaving analogy and precedent alone, the honourable member in charge of the Bill is not more happy in his attempt to justify it on its own merits. The criticism on it which I find in a petition made by the Indian Relief Society (Paper No. 14) seems to me to be abso-

lutely conclusive and just. In his speech on the last occasion the honourable member said:

'The actual perpetrators of the injury committed by a riotous crowd are usually unknown; and, even if they were known, they are often bad characters and men of straw, while the sufferers are, as a rule, poor men, who cannot pay the costs of a civil suit. To relegate them in such circumstances to the uncertain issues and expense of a lawsuit is to give them no redress.'

Referring to this, the petition of the Society says:

'The Committee are unable to discover the true meaning of this. Does it mean that, the actual perpetrators being unknowable, other persons near at hand are to be assessed to pay damages, or they when discovered, being men of straw, their rich neighbours are to be mulcted in damages by order of the executive?'

To understand the full force of this criticism, it must be borne in mind that the honourable member in this as in the preceding section is not contemplating the imposition of the burden upon the inhabitants generally, but upon them, *minus* the inhabitants exempted for unknown reasons by the executive, one of them perhaps being that the exempted persons are innocent. The argument of the honourable member really amounts to this that the guilty should be assessed, but they are either unknown or men of straw, therefore give us power to assess people not proved guilty as being guilty and rich. My Lord, it seems to me that this proposal is brought before the Council without being fully considered or thought out. It is absolutely unprecedented in any system of enlightened administration, and it is still more absolutely condemned by the public voice of the whole country, to which is now added the emphatic protest forwarded by the Bengal Chamber of Commerce.

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The Hon'ble MR. Mehta said:—When the Hon'ble the Legal Member said that the executive authorities may be trusted to deal with claims for compensation under the section in the same manner as the 'police-authority' under the English Statute, I should like to point out that he was forgetting the essential difference between the two bodies. I have already pointed out

that the police-authority of the Statute stands in technical language for the corporations of the towns and the benches of Justices of Counties, that is to say, for the local bodies who maintain their own police and who have to pay the cost from their own pockets by taxing themselves to levy a police-rate for the purpose. They can, therefore, well be trusted to scrutinize claims against themselves. The executive authorities under the section have, on the other hand, only to put their hands in other people's pockets. But what honourable members who oppose my motion forget most is that under the Statute the claim is made for the purpose of ascertaining whether the party against whom it is made is prepared to admit it, otherwise the only resort is an action at law. That is very different from a District Magistrate awarding compulsory compensation without the consent of, or, if he likes it, without even consulting, the parties who are ordered to pay it. The rest of the arguments of the honourable members proceed upon a misconception of our position in this matter. We have not said and we do not say that parties who have suffered damage from riots should not be compensated at all. In England, the Hundred is liable, because in England the police is local, and the Hundred maintains it. In India it is different, and the cost of the district police is not localized, but is paid out of general funds. *Prima facie* the compensation should come out in the same way. But even admitting that it were right to make special areas liable, our main contention is that that liability should be adjudged judicially like all other pecuniary liabilities, and that executive officers should not be vested with the power of adjudging it arbitrarily without trial and judicial enquiry, in which both sides could be heard.

* * * *

The Hon'ble Mr. Mehta with the permission of his Excellency the President, then moved the two following amendments which stood in his name, together :—

That the following be substituted for section 10 of the Bill as amended by the Select Committee, namely :—

10. For section 30 of the said Act the following shall be substituted, namely :—

'30. (1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organized assemblage in any street as to which or the conduct of or participation in which it shall appear to the Magistrate of the district that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such Magistrate may give such orders as to the conduct of the persons concerned towards each other and towards the public as he shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

'(2) Any order made under the foregoing sub-section shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the Magistrate of the district that such order is inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or application of any person interested, as to the rights and duties of any persons affected by the order aforesaid.'

And that the following be substituted for section 11 of the Bill as amended by the Select Committee, namely :—

" 11. After section 30 of the said Act the following shall be inserted, namely :—

'30A. (1) The District Superintendent or an Assistant District Superintendent of Police may, subject to any rule or order which may at any time be legally made by any Magistrate or other authority duly empowered in this behalf,—

(*a*) make rules for and direct the conduct of assemblies and processions and moving crowds or assemblages on or along the streets, and prescribe, in the case of processions, the routes by which, the order in which, and the times at which the same may pass ;

(*b*) regulate and control, by the grant of licenses or otherwise, the playing of music, the beating of drums, tomtoms or other instruments and the blowing or sounding of horns or other noisy instruments in or near a street ;

(*c*) make reasonable orders subordinate to and in furtherance of any order made by a Magistrate under section 30.

(2) Every rule and order made under this section shall be published at or near the place where it is to operate or shall be notified to the person affected thereby, and all persons concerned shall be bound to act conformably thereto.'

Mr. Mehta said :—I do not propose to detain the Council at any length on this motion, as I recognize that, on whichever side may be the arguments, the votes are certainly on the side of the honourable member who protects the Bill. The honourable member is so much in love with the experiments of the Bombay Legislature that my amendment aims at substituting the corresponding sections of the Bombay District Police Act of 1890 for those in the Bill. I have copied the sections in my amendment word by word from the Bombay Act. The Hon'ble Mr. Stevens, who says that he has industriously waded through the debates in the Local Council on that Act, will no doubt remember that it was the avowed object of Lord Reay's Government that in imposing new duties, liabilities and restrictions, they acknowledged at the same time their obligation to provide safeguards against the abuse of the powers vested in the police and the executive. The difference in the Bombay sections and the sections in the Bill is that the former incorporates safeguards, and the latter does not. For example, the orders of the Magistrate in the Bombay sections are controlled by the decisions of the Courts of law with regard to established rights of the parties. They regulate and control the use of music, but do not place it at the mercy of the executive. If we are to be consistent, let us follow the Bombay legislation on both sides and not simply take it up when convenient and drop it when it does not suit our purpose. My amendment gives the Council the opportunity of showing whether the affection for the Bombay Act is real or not.

SPEECH AT PUBLIC DINNER AT CALCUTTA.

[*The Indian citizens of Calcutta gave a public dinner to the Hon'ble Mr. Pherozeshah M. Mehta, C.I.E., in the Town Hall, on the 26th March, 1895, in recognition of the public services he rendered as a Member of the Imperial Legislative Council. Mr. Manomohun Ghose* presided and proposed the health of Mr. Mehta.*]

The Hon'ble Mr. Mehta in replying to the toast, said :—Mr. Chairman and gentlemen,—Even after the good and generous cheer of which I have partaken, I am not presumptuous enough to imagine that I deserve all the kind things which you, Mr. Chairman, have said of me. But nevertheless, I am not the less truly and deeply grateful for the kindliness of feeling which I know underlies the Chairman's eloquence, and which has prompted the splendid hospitality to which my friends in this city have treated me to-night. I say friends, because, though I may not personally be acquainted with each and every one of my hosts, we all recognize ourselves, wherever we may be and wherever we may meet, as friends whose pulses and hearts throb in unison under the inspiration and mesmerism of a common education,—in the case of many of us here, of a common profession ; but, above all, of common sympathies and common aspirations, and if I may say so, of common benefits and common grievances. I am told, gentlemen, that an article appeared the other day in the *Civil and Military Gazette* in which the writer has dubbed me Babu Pherozeshah Mehta. I suppose the writer thought that he was saying something excruciatingly funny and sarcastic about me. I suppose he would be surprised to learn that he has said something which I would regard as a very high compliment. Is it possible that I could feel anything but highly complimented in standing shoulder to shoulder with such men as my friend the Chairman, or my friend Mr. W. C. Bonnerjee, or Mr.

* For Mr. Ghose's speech, see Appendix.

Lalmohun Ghose, or Mr. Surendranath Banerjea, and the other gentlemen around me whose blushes I will not call up by naming them individually. If I have spoken and acted in my public life so as to be regarded as a Babu in Bengal, as a Sikh in the Punjab, as a Madrasi in Madras, and as a Mahomedan among Mahomedans everywhere, then I am sure I have not gone far wrong, but have, on the contrary, proved myself what we should all strive to be—a true and faithful son of the country, a true and faithful Indian. So much credit, gentlemen, I will accept for myself. But, gentlemen, beyond that I claim no credit. My friend Mr. Ghose was pleased to talk of sacrifice. I disclaim every idea of making any complaint and sacrifice. If, gentlemen, I chose to come here at my professional sacrifice, it was my own doing. I have no right to complain. I could have refused if I did not want to give up my professional practice. I make no complaint, I have no right to make any, and I claim no credit for the sacrifice. Further, I do not claim any credit for myself, because I feel sure that many of you sitting at this table, and many others who are not here, would have performed your duties if you were in the same position in the same manner which you have been pleased to say they have been performed by me. Gentlemen, I have not the slightest doubt that in course of time even the high ideal which has been set before you by our Chairman will be more and more attained, and we shall find members in the Council who will be able to do useful and good work, really contributing much more than we can see, in regard to the good government and welfare and progress of this country. (Loud cheers.)

SPEECH ON THE INDIAN BUDGET OF 1895-6.

[*At a meeting of the Imperial Lagislative Council held on Thursday, the 28th March, 1895, for the discussion on the Financial Statement, Lord Elgin presiding, the Hon'ble Mr. Mehta made the following speech.*]

My Lord,—in presenting the Financial Statement for 1893-94, Sir David Barbour concluded his remarks on the existing position and future policy by saying—

> Even under present circumstances, when the horizon is dark with the approach of what may prove to be the greatest financial convulsion of the present century, I do not draw back from the opinion I formerly expressed that the revenues of India are adequate to meet her wants; but I wish to say in the most emphatic terms that, if the ship of State is to pass successfully through the storm which she is now entering, our measures must be taken in due time, must be regulated by prudence and forethought, and must be carried into execution with strict regard to economy.

Many things have happened since then—currency legislation and new taxation—and now in a letter to the English *Times*, dated the 16th February of this year, Sir David Barbour again sees occasion to emphasize the urgent need of practising the old-fashioned virtue of economy. 'I am not one of those' he says, 'who believe that India is on the verge of immediate bankruptcy, but I hold, and hold very strongly, that the Indian finances require at the present time the most careful and economic management.' It is from this point of view that I propose to offer a few observations on the Financial Statement that has been explained to the Council with a clearness and ability for which we cannot but be thankful. There can be no doubt that the right of discussing it, which has been bestowed upon this Council by the Indian Councils Act of 1892, is a most valuable privilege with large possibilities for the future. At the same time it is difficult not to feel that there is an element of unreality about it, arising from the peculiar position occupied by the Financial Member in your Excellency's Executive Council. In a very recent debate in the House of Lords, Lord Salisbury is reported to have

borne testimony to the preponderating influence of the British Treasury and the Chancellor of the Exchequer in the counsels of the Ministry, and to have said that 'when the Treasury lays its hand upon any matter concerning the future development of the British Empire, the chances of an Imperial policy are small.' The position of the Indian Finance Minister seems to be very nearly the reverse of that of the British Chancellor of the Exchequer. The vulgar gaze is not allowed to penetrate behind the thick curtains that enshroud the sanctuary, but the priests of the tabernacle are sometimes human enough to disclose partial glimpses of the mysteries within. In a valuable paper on 'The Perilous Growth of Indian State Expenditure,' which may well be styled the Confessions of an Indian Finance Minister, Sir Auckland Colvin says that a 'Financial Member of Council is not at liberty to express in his annual Financial Statement his personal point of view on the collective policy of the Government of which he is a member. But, freed from official chains, both Sir David Barbour and Sir Auckland Colvin, who between them represent the financial period between 1883 to 1892-93, have recently acknowledged that the constitution of the Government of India is such that there is no efficient control over expenditure, and that every member of the Council, except the Financial Minister, is not only irresponsible for financial equilibrium, but is directly interested in spending, and as a matter of fact overpowers all his appeals for economy and reduction. It is because we can never be sure that the views expressed in the Financial Statement are those of the Finance Minister himself that the unreality of which I spoke creeps in. I do not mean to say that these views are not necessarily his own, but, official as his utterances must be, there can be no assurance that they are also personal. I am aware that last year Sir James Westland took the opportunity of proclaiming the harmony which prevailed between him and the heads of the Military and Public

Works Departments. I think he even went so far as to give expression to his high appreciation of the generosity with which the Hon'ble the Military Member (General Sir Henry Brackenbury), taking pity on him at finding him 'grovelling in the dust heaps among fish-maws and sharkfins' to meet a deficit of 3½ crores, gave up to him, with tears in his eyes, stray 'kerosine-lamps, sweepers and hob-nailed boots.' And yet wonderful things have happened before, and wonderful things may happen still, and we may yet find the present Minister joining, in not a distant future, the noble band of financial Knights who consider that the great peril to which Indian finance is exposed lies not so much in exchange as in increasing expenditure. I do not deny that he is still firm in the gospel which he preached last year in introducing the Indian Tariff Bill, when he said that exchange, and exchange only, was the burden of his song. It may be that he himself may cherish this faith for evermore, but those who had the temerity to disagree with him can now derive some consolation from the fact that their discredited views are now endorsed by the two eminent financiers who were his immediate predecessors in succession. In a representation addressed last year to this Council (dated 12th March, 1894), the Bombay Presidency Association ventured to point out that, disturbing as was the factor of falling exchange, the true causes of financial embarrassment lay more largely still in the disproportionate growth of expenditure. In dealing with that representation, the Hon'ble the Financial Member was very facetious over the pretensions of Native amateurs to show the most distinguished service in the world how they ought to govern India, and his mirth was especially aroused at their pretensions to teach him how to manage Indian finance.

My Lord, I do not complain of the humorous shrift we got at the honourable member's hands, for it is the old quarrel between the author and his critics. Whenever

the criticism is unfavourable, the author turns round upon the critic and contemptuously challenges him to construct instead of simply finding fault. Still criticism is acknowledged to have its uses and though we may not be able to govern ourselves, we may not be so utterly useless in the humbler task of showing the pitfalls and smoothing the road. A year, however, has not elapsed since the contention of the Association was scoffed at and ridiculed, and we find that that very contention is sustained by one of the honourable member's predecessors. The representation of the Bombay Presidency Association was reproduced in a Note presented to the Secretary of State for India by the British Committee of the Indian National Congress. In his paper on 'The Perilous Growth of Indian State Expenditure' to which I have already referred, this is what Sir Auckland Colvin has got to say about it :—

The body which calls itself the Indian National Congress has not hitherto shown itself in my judgment very practical in its suggestions, but it is difficult to differ with a great deal of what it has got to say in this matter of expenditure. If this paper correctly interprets the meaning of the figures which are embodied in it, it shows that there are good grounds for the assertion in the recent 'Note' presented to Parliament by Sir William Wedderburn that it is more the growth of expenditure than the fall in exchange which has led to the present difficulties. The charges on account of exchange have become mainly formidable, because the administrative expenditure which has caused in chief measure the growth of those charges has been itself continuously increasing.

Though perhaps in a manner not quite so pointed and direct, Sir David Barbour has also since his retirement given expression to similar sentiments. At a meeting of the International Bi-Metallic Conference held in the spring of 1894, he summed up the Indian financial situation as follows :—

The facts which I have brought to your notice may be briefly recapitulated—an Eastern country governed in accordance with expensive Western ideas, an immense and poor population, a narrow margin of possible additional taxation, claims for additional expenditure greatly in excess of possible additional revenue, a constant tendency for expenditure to outgrow revenue, a system of Government in India favourable to increase of, and unfavourable to reduction of, expenditure, no finan-

cial control by intelligent and well-informed public opinion either in India or in England, an insufficient check on expenditure in India, a remote and imperfect control exercised from England, a revenue specially liable to fluctuations from year to year, large and growing foreign payments.

These are not the views of clumsy and pretentious Native would-be politicians, who audaciousiy presume to think that they could govern the empire better, but those of distinguished men whose mature and tried knowledge and experience must command respect, confirming in the most remarkable manner the contention of the Association that it is the enormous increase of expenditure since 1885-86 which is more responsible even than the depreciated rupee for the embarrassed and critical state of Indian finance. But it has been argued that, though it is perfectly true that the expenditure has increased, the increase is justified by the needs of an expanding and progressive Empire. In discussing the present Budget I propose to go a step further than the Association did last year, and endeavour to show that, even if the need for the increase were academically incontrovertible, still it is unjustifiable, as being a burden beyond the capacity and resources of the country to bear without dangerous exhaustion. In introducing the Tariff Bill, the Hon'ble Sir James Westland tried to satisfy the Council that ' it was not by reason of any laxity in controlling expenditure that it was rendered necessary to ask for increased powers of taxation.' In the debate on the Budget last year, the Hon'ble General Sir Henry Brackenbury was still more emphatic about the impossibility of reducing military expenditure. In replying to the invitation of the Hon'ble Mr. Playfair to meet with some degree of fulness the arguments raised in certain quarters for the reduction of the military expenditure, the honourable member said :

My Lord, I have never seen such arguments. I have seen denunciations, I have seen invectives, I have seen statements and assertions, and have seen appeals to the Government of India to reduce expenditure, but I have never seen one single argument. I have seen no argument put forward by anybody to show that military expenditure in this country could reasonably be reduced.

It seems to me that in these utterances both the honourable members miss one point which is indispensable for sound and solvent finance. Necessity of expenditure is after all a relative term. However great the necessity for a particular item of expenditure, that necessity must be controlled by the ways and means for incurring it and must be proportioned to the capacity for defraying the expenses of it. I have no doubt that if the increase of troops in 1886 had been 40,000 instead of 30,000, the Hon'ble Military Member would have spoken quite as peremptorily against any reasonable reduction of expenditure, and would be still roving quite as much in despair in quest of arguments. But the real question is whether the items of military and civil expenditure bear any just and reasonable proportion to the revenue that can be possibly realized from the country without incurring peril and exhaustion. What is the present position in this respect as disclosed by the Budget laid before the Council? Since 1885-86 the income-tax has been reimposed, or rather the license-tax has been developed into an income-tax and extended to Burma. A duty was imposed on petroleum. A patwari-cess has been levied in the North-Western Provinces and Oudh. The excise-duty on salt has been raised to within eight annas of the highest figure possible if salt is not to be placed beyond reach of the mass of the people. The import and cotton duties, with an excise-duty on yarn, have been fully re-introduced. Altogether something like seven crores of fresh taxation have been imposed since 1885.

Commenting on this state of things, Sir David Barbour wrote only the other day that 'the burden of taxation is in danger of becoming excessive, and that the further margin of resource to which taxation can be applied is incredibly small, both in itself and from pressure of political considerations.' There is no present hope from exchange; and loss by exchange can no longer be regarded as something separate from expenditure in

regard to which it is incurred. It must be now taken as part and parcel of departmental cost.

Now let us see how the revenue raised after leaving a margin of reserve so exceedingly narrow is disbursed. Taking the legitimate revenue as pointed out by the present Secretary of State for India to be the amount realized from what are called the principal heads of revenue, leaving out such heads as Railways, Irrigation, Post Office and Telegraph, of which the receipts and disbursements balance each other more or less, the total revenue for 1892-93 after deducting the cost of collection, was, speaking in round numbers, 51·6 crores of rupees. The Accounts of 1893-94 published the other day give the total net revenue for that year at 50·32 crores. The Revised Estimates for 1894-95 just given put it down for that year at 53·74 crores of rupees, and the Budget Estimate for 1895-96 comes to about 54 crores. We know that the item of land revenue is by far the largest single item among the principal heads. In 1892-93 it amounted to 21 crores; in 1893-94 to 21·67 crores; and the Revised Estimates for 1894-95 give it at 21·4 crores, after deducting cost of collection. The Budget Estimate for 1895-96 takes it at 22·2 crores. The land-revenue is thus 40 to 41 per cent. of the total net revenue, and still it does not suffice to cover the annual military expenditure of any of these four years. In 1892-93 the cost of the Army Services (23·42), Special Defence Works (·45), and Military Buildings and Roads (1·15) amounted to 25·02 crores, which leaves an expenditure of 24·12 crores after deducting receipts (·9). To this has to be added the charge for interest on account of military railways which cannot be less than half a crore, but I cannot find the exact figures from the Indian accounts or the Parliamentary returns. The above figures leave out of account the cost of special political expeditions, subsidies and allowances to the Amir of Afghanistan, the Khyber Tribes and others, charges for organizing Imperial Service Troops, and many other items which really and justly should be brought to the

head of military expenditure. In 1893-94 the military expenditure amounted to 23·87 crores of rupees, including and excluding items as in the previous year. The Revised Estimates for 1894-95 put it at 24·87 crores. In the Budget estimates for 1895-96 it is taken at 25·52 crores.

What these figures mean is that military expenditure more than fully absorbs one-half of the whole net revenue of the country, or, to put it in another way, if you leave out of account the opium revenue, which cannot be relied on as stable owing to the competition of the home-grown drug in China, the military expenditure absorbs the whole of what has been called taxation revenue proper, derived from salt, stamps, excise, provincial rates, customs as now fully revived, income and other assessed taxes, forests, registration, and tributes from Native States. Such a situation cannot but be regarded with serious anxiety, but its gravity is immeasurably enhanced when we remember how the land revenue is raised to the amount at which it stands. It has been said that the land revenue is only the unearned increment, and the authority of John Stuart Mill and Professor Fawcett has been cited in support. Possibly it ought to be so in pure theory. But perversely enough, in practice it has the knack of mixing up the earned as well as the unearned increment, and of carrying away the ryot's fruits of his own labour and improvements along with that of his fickle luck. I admit that there are excellent rules laid down by Government for preventing undue severity in settlement and revision proceedings. But the ingenuity of Revenue officers is wonderful, and in spite of limits against over-enhancement the individual cultivator finds the settlement heavy beyond measure. Except in Bengal, four-fifths of the agricultural population is steeped in debt and poverty. If the saukar presses heavily against the ryot, it is the Revenue officer who has driven the ryot into the hands of the saukar. But the tale does not end here. Heavy as the

assessment mostly is, the rigidity and inelasticity of the system of collection is more crushing still. The Commission appointed to enquire into the Deccan Agriculturists' Relief Act advocated a more liberal practice with regard to remissions and suspensions of revenue; but the Bombay Government actually resented the recommendation as uncalled for and imprudent. The serious import of this state of things arises from the consideration that grand military preparations for protection against foreign invasion, or indeed anything else, are nothing to the cultivator unless he has got something appreciable to protect. It has also been argued that the Indian ryot is the most lightly taxed subject in the whole world. But apart from the circumstance that the assessment he has to pay is both rent and tax combined, is it true that he pays no other tax than the salt tax? In debt all his life, does he not pay in stamps and court-fees for every application he makes to a Revenue officer, for every process that is issued by or against him in the endless resort to Courts of one sort or another, and does he not pay registration fees for his perpetual transactions of bonds and mortgages and transfers? Insufficiently fed all the year round, does he not pay the excise duty on liquor and opium, raising the abkari revenue by leaps and bounds? In a recent discussion in the Belgian Chambers, Mons. Lejeune, former Minister of Justice, pointed out from statistics that the consumption of spirits in Belgium had increased to an alarming extent raising the excise revenue from four millions of francs in 1851 to thirty-three millions in the present year, and that the principal reason for the increase was the insufficiency of food procurable by the labouring classes. It is a well-known fact that the cultivating labourer ekes out nourishment by the use of alcohol and opium. If he does not pay the income tax, does he not pay the road and other cesses? Has he not, since the new forest policy was introduced, contributed to the forest revenue by paying grazing and other fees and charges which he

never had to pay before? As a matter of fact, the Indian ryot goes through life carrying a load of many burdens on his back. My object in referring to these matters is to try to show that, if revenue can only be raised in this manner, the expenditure for which this revenue is required to be raised, however academically reasonable or incontrovertible in itself, is beyond the capacity and resources of the country.

In making the above remarks I have no intention of going into the question of the policy which has led to this enormous military expenditure. In answer to the representations in that behalf made in the petition of the Bombay Presidency Association I have referred to, the Hon'ble Sir James Westland said:

> I am afraid there is an irreconcilable difference of opinion between your Excellency's Government and the Association. If the latter seriously mean to describe the policy of 'preparedness' on the North-Western Frontier, which I admit has cost us very much on frontier railways, frontier roads, and special defences, as a policy of adventure which has weakened the strength and stability of the Empire, I am afraid that no argument of mine will succeed in meeting the objections they raise to the expenditure involved.

I at once recognize the practically conclusive force of this argument and the consequent futility of further discussion. It is a little remarkable, however, that Sir Auckland Colvin seems to be under the impression, and that too in October, 1894, that 'since 1885 onwards, so far as he was aware, Indian financiers have never budged from the position on this question of the increased military armaments. They have always uncompromisingly declared them to be hurried on at a cost beyond the resources of India. What has been done has been done in spite of them and in the teeth of their remonstrances.'

Possibly the present Finance Minister's acquiescence in the policy may be simply a cry of despair extorted by the utter hopelessness of combating it. The policy, as Sir Auckland Colvin says, is probably popular in England, which not only does not pay the bill but largely profits by it. Anglo-Indian society is also largely in

favour of it for many obvious reasons. Even my honourable and learned friend Sir Griffith Evans, who had in 1893 uttered words of wise warning in deprecation of the dangerous outcome of a well-equipped army in advance posts and borders pushed forward, and in military expeditions following wave-like one upon another, recanted the heresy last year and obtained full absolution from the Hon'ble the Military Member, with the full countenance and encouragement of my honourable friend Mr. Playfair. The cry of those who think otherwise can now only be a cry in the wilderness.

But, my Lord, I humbly venture to say that, if it is not possible to reduce military expenditure by any reduction in the Army or any halt in the 'forward' policy, then there is no other remedy for the embarrassment of Indian finance than to implore England and the English Treasury to be just and equitable in their demands for the cost and equipment of the troops they supply. In their dispatch of 8th February, 1879, the Government of India earnestly represented that—

placed as it was under the serious responsibility of so administering the affairs of the greatest dependency of the British Crown, that, while British supremacy is strictly guarded, the means of securing the end shall not unduly weigh on the people of the country, it was constrained to represent to her Majesty's Government that the burden thrown upon India on account of the British troops is excessive beyond what an impartial judgment would assign in considering the relative material wealth of the two countries and the mutual obligations that subsist between them.

Since then the British Army in India has been increased, and so has the intolerable hardship of an apportionment more and more one-sided and unjust. So competent an authority as Sir Charles Dilke unhestitatingly declared that in one portion of the charges only the War Office was levying £750,000 a year more than it was entitled to for several years. But the strangest part of the whole affair is that in India, where the entire Financial Statement of the whole Empire is supposed to be formally prepared and declared, there is no check here on the demands made for the payments in England.

Speaking of the Home Effective Army Estimates, the Hon'ble Sir Henry Brackenbury frankly confessed last year that—

it is always a complicated business, and we can never know how much we shall have to pay in one year, and how much will hang over for the next; but I can only say that the whole of those Effective Estimates are due to payments under the orders of the Secretary of State which it is very difficult for us to check.

In the two debates which took place in the House of Lords in 1893, at the instance of the Earl of Northbrook and the Duke of Argyll, it was abundantly made clear that for the last twenty years and more every Indian Secretary of State, Viceroy, and Commander-in-Chief had protested against the gross and scandalous injustice with which India had been treated in this matter, and the Earl of Kimberley, then Secretary of State for India, confessed that 'the Indian Government have not, he thought, the same weight as the Home Government have.' 'Indeed,' he said, 'the India Office had no support.'

As one instance of the way in which this country has been unrestrictedly overcharged, it will be remembered that in 1870 the British Treasury and the War Office hit upon the extraordinary plan under which year by year the actual pensions this country was supposed to be called upon to pay were capitalized and the actual value paid annually. This plan lasted till 1884, increasing the charge to something not less than four millions sterling, in spite of the protestations of the Secretary of State for India that 'this charge ought not to be put fairly upon the rate-payers of India, and that part of the increase was incurred owing to measures carried into effect by the British Government for purposes unconnected with India, such as the abolition of the purchase system and compulsory retirement of Officers.' The fact is that the predominant partner in the concern has taken and still takes advantage of his superior position to press heavily on his weak and poor associate. The worst of it is that there does not seem to be any prospect yet of

obtaining a just relief. It is not a satisfactory way of dealing with the question, and, if I may be allowed to say so, not worthy of the honour and greatness of England to meet all prayers for enquiry and equitable adjustment by mysterious threats of 'something worse and tables turned.' The same threats were held out when the Duke of Argyll protested against the principle of charging India for indirect benefits. On that principle the whole cost of British administration might be thrown on India, for that administration is absolutely indispensable for the existence of British rule in this country. In the present state of Indian finance, when difficulties surround it on every side, it is more than ever necessary to do justice to this country, for it is neither wise nor politic to raise bitter feelings of utter helplessness against financial pressure from all quarters. If the enormous military expenditure cannot be reduced by reducing the Army or by moderating the Home Army estimates, then who can say that Sir Auckland Colvin may not after all be a true prophet when Cassandra-like he says that 'Russia without moving a man or a gun need only bide her time, and that if slow and sure is her game, slowly and surely we shall be playing her hand for her.' Your policy will in that case only succeed in strengthening the outposts at the heavy cost of irretrievably weakening the base.

My Lord, I have spoken freely in the firm consciousness of a true and sincere loyalty, for if by loyalty is meant a keen solicitude for the safety and permanence of the Indian Empire in which I am persuaded lie implanted the roots of the welfare, prosperity and regeneration of this country, then I claim to be more loyal than Englishmen and Anglo-Indians themselves, who are sometimes led to subordinate the interests of that safety and that permanence to the impetuous impulses of a singularly brave spirit, to the seductions of conquest and imperial vainglory, or to the immediate gains and temptations of commercial enterprise.

Passing from military expenditure, I shall refer briefly to other burdens also too great for the capacity of the country. It is difficult to make out what portion of the sum of about seventeen crores represents the salaries of civil officials drawing Rs. 1,000 and more, who are not already included in the departments which are not taken into account in arriving at the net revenue and expenditure. But that it must be an enormous amount can be seen from the Superannuation, Retired and Compassionate Allowances, and Civil Furlough and Absentee Allowances paid in England. In 1892-93 they amounted respectively to 2·7 crores and ·33 crores of rupees. The accounts just issued for 1893-94 do not give separately the charges paid in England and in India for the Superannuation and Pension Allowances; but, making an approximately fair deduction of ·9 crores from the joint total of 3·86 crores, there remains very nearly three crores of rupees for the Superannuation, etc., charges paid in England. The Civil, Furlough and Absentee Allowances, etc., the same year amount to ·32 crores. The Budget Estimates for these items for 1895-96 show an approximate total increase of half a crore. There can be no doubt that a very thick slice of the net revenue must go to pay the salaries, pensions and allowances of the higher officers of the Civil Departments; the amount in a rough estimate can scarcely be less then twelve crores. The burden is heavier by the grant of the Exchange Compensation Allowance. Last year it amounted to Rs. 1,235,900, *i.e.*, a crore and twenty-four lakhs. I do not propose to say anything about its justice or propriety, for I recognize that it is as natural for those who helped themselves to it to be convinced of its absolute justice as for those who have to pay it to be sceptical about its necessity. But still there is the burden, and the outcome of these enormous payments on a few heads is that you have very little left for the most necessary purpose. There was a confession made the other day in this Council that the police-force in every

district is ordinarily kept at the lowest strength and cost compatible with the discharge of ordinary functions in quiet times, though indeed when the greater portion of the cost be taken from another body like the Bombay Corporation, then no cost is too heavy for a liberal margin of strength. The separation of executive and judicial functions pronounced by Lord Dufferin to be a counsel of perfection, and admitted by past and present Secretaries of State to be a most desirable reform, cannot be carried out for want of means. You are unable to spend more than the fiftieth part of your net revenue on the education of the whole country; in fact, it is just about equal in this year's Budget to the exchange compensation allowance. The Government resolution on the progress of education finds satisfaction in a gradual increase of the number of schools and pupils, in the same spirit in which the efficiency of criminal justice is sometimes estimated by the number of convictions and the severity of sentences. But it is forgotten that the equipment of schools and colleges is as important a factor in their valuation as numbers, just as the vindication of innocence is as important in the efficient discharge of criminal justice as the conviction of guilt. There is not a school or college in all India that can bear any comparison with the schools, colleges and *lycées* of England, France, Germany, and other civilized countries. In that spirit of humorous banter which I am glad the heavy monotony of figures and statistics has not driven out of the Hon'ble the Finance Member, Sir James Westland was last year pleasantly sarcastic over 'the united wisdom of the Native gentlemen interested in politics, who met at Christmas at Lahore to show us how we ought to govern India,' and enjoyed a hearty laugh over their proposals to reduce revenue and increase expenditure at one and the same time. Though of course they could not bear comparison with members of the most distinguished service in the world, these gentlemen are still not altogether devoid of logic and

sense in their suggestions. It is not very difficult to understand that, if you economise in the right directions, you can reduce revenue and increase expenditure in others. If you could reduce your military expenditure to reasonable proportions, if you could steady your 'forward' policy so as not to lead to incessant costly expeditions, if you could get your inflated Army Home Estimates moderated, if you could devise ways by which the huge burdens of salaries and pensions could be lightened, then it is not chimerical to imagine that you could improve your judicial machinery, strengthen your police, develop a sounder system of education, cover the country with useful public works and railways, undertake larger sanitary measures, cheapen the post and telegraph, and still be in a position to relieve small incomes, to press less heavily on the land, to give the cultivators breathing time, and to reduce the salt tax.

It is from the above point of view that the Financial Statement which the honourable member has presented to the Council can scarcely be considered wholly satisfactory. While fully recognizing that he is surrounded by adverse and difficult circumstances, and that his hand is not free, still the fact remains that the new Budget is a hand-to-mouth Budget, and not based on enduring principles of sound finance. Fortune has smiled on him during the past year, and it is difficult not to read beneath the lines that he still entertains a lurking faith in windfalls and miracles for the new year. He shows a surplus of four and a half lakhs of rupees, but it is a speculative surplus. It is obtained after the imposition of taxation to the tune of over three crores, after putting the Famine Insurance Fund in abeyance, after taking the rate of exchange probably higher than it is likely to be maintained, and after shutting his eyes to the heavy cloud that is looming in the North-West. And all this in a year of prosperity and peace, when the country has remained free from famine and war, barring of course the frontier expeditions, which, as

predicted by Sir Auckland Colvin, must now be accepted as a trouble quite as constant and irremediable as exchange. The prospect before us is really neither hopeful nor cheering; and, in spite of his efforts to administer some grains of consolation, the real note that the honourable member strikes is unmistakably when he winds up by saying 'that many causes for anxiety still remain and we may again be in difficulties before many months are over.' What then? is a question whose gravity it will be more easy to appreciate than to solve.

SPEECH AT PUBLIC DINNER AT BOMBAY.

[*On the 9th April 1895, the Ripon Club gave a dinner to the Hon. Mr. P. M. Mehta, C. I. E., on his return from Calcutta. Sir Jamsetjee Jeejeebhoy, Bart., C. S. I., presided at the dinner. At the conclusion of the dinner, the Chairman gave the toast of the Queen-Empress. He then gave the toasts of H. E. the Viceroy and H. E. the Governor, which were very cordially received. He then gave the toast of the guest of the evening**.*]

The Hon. Mr. Mehta, who was received with loud and prolonged cheers, in reply said that if he happened to deserve one hundredth part of what his kind friend Sir Jamsetjee had been pleased to say, or one hundredth part of the cordiality and enthusiasm with which the assembly had been pleased to receive the kind things Sir Jamsetjee had said of him, he should have been amply rewarded by the kind, cordial and generous recognition of what little he was able to do from every quarter. Standing in his own Club he should be wanting in gratitude if he did not say one word of grateful acknowledgment for the kindly and generous reception accorded him by his friends in Bengal. (Cheers.) It had been for a long time the fashion, which had been somewhat growing of late, to say that India was not a nation but was a vast continent in which there were people as different as in the other continents of Europe, Africa, and America; but when he was in Bengal and was receiving there the kind hospitality of his friends, both Hindus and Mahomedans and all other races, he felt that he was not amongst strangers, not among people of other traditions and character, but was one of the Indians of Indians. (Cheers.) He could not convey to the assembly an idea of the reception which they gave him, not only as an individual, but also as one who had gone there to do some good not for one community or caste but for the whole of the country. (Cheers.)

* For Sir Jamsetjee Jeejeebhoy's speech, see Appendix.

It was a great source of gratification to find even in the Legislative Council he had his Indian colleagues, elected or appointed,—six Bengalee Hindus, one Mahomedan gentleman, a scion of the Princely house of Oudh, a Sikh from the Punjab, who was one of the most respected *gurus* of the Sikh caste, and a gentleman from the Central Provinces. It was very gratifying to find that every one of them—Hindu, Mahomedan and Sikh—regarded him with an instinctive feeling that he was a countryman and a national countryman of theirs. (Cheers.) Under those circumstances he could not stand there among his own particular friends without saying a word for those who, though they were at present far away, accorded him during his stay in Bengal a kind, cordial and generous treatment. He had been much rewarded by his friends in Bengal, but he considered that he had been a hundredfold more rewarded by the cordial and kindly reception given by his friends at the Club that night. (Cheers.) He hoped, however, that they would put a stop to his being demoralised by all those kindly demonstrations by remembering that though he felt grateful for the very kind things which Sir Jamsetjee had said about him, he knew that a great deal of it had been prompted by the kindly feeling he always entertained for him, and that the reception was not accorded to him personally but as an appreciation of the new era which had been introduced since the introduction of the new Councils Act. He ventured to say that they were all aware that the time had come when the Indians must put their best foot forward and do their duty to their country, and he felt that it was the inauguration of the new era that caused them to accord him that kindly and cordial reception that night. Fresh from the experience of the Legislative Council, they might perhaps allow him to say and give his opinion that it was really high time indeed that the new era should have been inaugurated. It had been said, and in the first instance somewhat disparagingly, that a new

spirit had been introduced both in the Imperial and the Provincial Legislative Councils. When that remark about the new spirit was made he remembered at once the very shrewd remark made by one of the most sagacious of statesmen, Sir Charles Dilke, who visited India and who did not come to mix himself with the people, but who associated mainly with officials, that the time had come when it was not expedient to carry on the administration of the country by means of secret and irresponsible bureaucracy. (Cheers.) They should not understand that he wished to say a single word against the great qualifications of the individuals who made up the bureaucracy. He remembered reading in the newspapers that the late Lord Randolph Churchill, who recently travelled through India, observed about the working of the bureaucracy, that there were several good men among them, but that the average was not good. (Laughter and cheers.) He (Mr. Mehta) would not venture to fall in with that opinion, but still modifying his opinion by the opinion of so qualified a critic, he would still endeavour to maintain that the most distinguished service in the world deserved the encomiums which they chose to bestow upon themselves. (Cheers.) But after making the largest allowances for those good qualities, it was impossible not to say, and from his own experience in the Council, it had been thrust upon him more forcibly than ever, that the time had come when the natives of India must take a larger and larger share in the administration of this country. (Loud cheers.) In illustration of the remarks that he had made he might give one or two of his experiences in the Council. He acknowledged heartily the great qualities of the Civil Service of this country, and asked his friends to put themselves temporarily and imaginatively in the position of those Civilians who felt themselves offended to a certain extent by what might be called intolerance of criticism, which generally characterised their actions. By a long spell of bureaucratic adminis-

tration it was most natural that they should exhibit an intolerance of criticism whenever they were told that they were not correct in certain respects in their administrative details; but that was no reason why members of Council who were asked to assist them in their deliberations should not express their honest opinion in the matter. (Cheers.) He would give them an instance of how utterly intolerant of criticism those officials were. When the debate on the Police Bill was going on, it happened that not only Indian opinion but Anglo-Indian opinion also went against the Bill. After the Bill had been referred to the Select Committee and he had made remarks of his own about it, the Anglo-Indian Defence Association sent in a petition couched in almost the same terms in regard to the section to which he had objected in the Council. Not only the Association, but the Bengal Chamber of Commerce, a body with which Government were always on most friendly and amicable terms, also very strongly opposed the principle on which the Bill had been founded. When the debate came on, the Bill was in charge of one of the most accomplished and to a certain extent very sympathetic officials, Sir Antony MacDonnell, who when he was told that the Bill had not only been opposed by the Anglo-Indian Defence Association but also by the Bengal Chamber of Commerce, said that he would be quite willing to consider the arguments if they were honestly brought forward by them. Every member of the Council looked aghast at the suggestion that the arguments put forward by the Chamber were not honest. (Laughter and cheers.) Every member of Government looked at Sir Antony in confusion at his having doubted the honesty of a body like the Chamber; and changing the expression, he said that what he meant to say was that he must well consider the arguments put forward by the Chamber. He (Mr. Mehta) gave them the illustration for the purpose of showing that the habit of bureaucratic administration made the officials intolerant of

criticism. He would however give another such instance in which the Bombay Presidency had been unfairly treated. When he pointed out in the course of debate that, while in a certain clause of the Bill then considered by the Council, a certain modification had been introduced which would be made applicable to the Presidency of Bombay without the Presidency being consulted with regard to the amendment, whereas Bengal had been consulted, Sir Antony MacDonnell said that they could not wait to consult the Bombay Presidency. (Laughter and cheers.) Could anything be more unfair under the circumstances of the case? Having given another instance in connection with the Civil Procedure Code Bill which sought to remedy the restitution of conjugal rights, and in respect of which he had submitted a most moderate amendment, Mr. Mehta went on to say that these illustrations showed that the bureaucratic administration which had been carried on to a large extent in a secret and irresponsible manner, however honest and well-intentioned the administrators might be, must become in the long run demoralised. (Hear, hear.) He had become more convinced that no truer and more beneficial step was taken than when the reformed Councils Act was passed. When they talked of the reformed Councils Act they ought to remember that though various persons had contributed to the passing of that Act, the real thanks in regard to it were due to one who was no more and who had passed away from them—he meant the late Mr. Charles Bradlaugh. (Loud cheers.) It was he who brought it within the pale of practical politics. It was through his efforts that the Bill was ultimately passed into Act, which, he (Mr. Mehta) had not the slightest doubt after his experience obtained in Calcutta, would prove of the greatest use and benefit to this country. (Cheers.) He hoped that all the Presidencies which had the right to return elected members would endeavour to avail themselves of the privilege as largely as possible. It was a most unfortunate circumstance

that Madras, which had the privilege of returning a member, had never sent up one up to the present moment. (Shame.) He (Mr. Mehta) was sorry to hear that he was congratulated on the fact that he had to make many sacrifices because of his visit to Calcutta to attend the Legislative Council. He had stated in the Town Hall at Calcutta that if he had been a successful lawyer he was indebted for it to the country and to the Government under which he lived. (Cries of 'Bravo.') Was it asking too much that they must give up a portion of their profits and prosperity which they owed to their country for the sake of doing good to the country? (Cheers.) He hoped that every Presidency which had a right to return a member to the Supreme Legislative Council would be able to send really able and competent men to take part in the deliberations of the Council because he felt convinced from what he had seen in the Council, that even if there were only three or four elected members in the Council, backed up by public opinion and by public voice, they would be able to command great weight and influence, and be in a position to do a great deal of good to their countrymen and their country. (Cheers.) He, therefore, took that opportunity to advise his friends around him that the time had come when it was impossible to hold aloof from political deliberations in respect of their country, and that men of all castes, creeds and communities should put their shoulders to the wheel in common with all the nationalities of this great country, and drowning all their differences of race and religion, should endeavour to regenerate the country which boasted in ages gone by of such great and glorious traditions. (Loud and prolonged cheers.)

SPEECH ON THE BOMBAY BUDGET OF 1895-6.

[The following speech was delivered by the Hon'ble Mr. Pherozeshah M. Mehta, C.I.E., in the discussion of the Provincial Financial Statement at a meeting of the Legislative Council held at Poona on the 7th August 1895.]

Your Excellency,—It must be admitted that the construction of the Provincial Budget affords no opportunity to the Financial Member of your Excellency's Council for the exhibition of any high financial skill or statesmanship. He is so cribbed and cabined by the conditions of the Provincial Contract that he can never hope to distinguish himself by heroic measures. It is, therefore, not a little to the credit of my honourable friend Mr. Nugent that in the Financial Statement he has laid before the Council he has managed to display at least one heroic trait. There can be no doubt that the Budget he has introduced is what may be called an adversity Budget: but even our old friend Mark Tapley might envy the exceedingly cheerful equanimity which he has managed to show under the most adverse and depressing circumstances. His motto seems to be 'sufficient unto the day is the evil thereof,' and he calmly asks the future to be good enough to take care of itself either by performing a miracle in the way of producing a surplus or preparing for martyrdom. I remember that in the Budget debate of 1893, Mr. Nugent strongly expressed himself to be of opinion that it was not practically safe to fix the irreducible minimum at so low a figure as 20 lakhs; and yet, he has just avoided trenching upon it by the skin of his teeth by pitching the revenue estimates a little too high and the expenditure estimates a little too low; and secondly, by counting on obtaining from the Bombay Municipality the whole of the amount of the Government claim for arrears which he puts at two lakhs of rupees but which is not yet admitted. If that amount is not forthcoming, then it seems to me that the surplus of Rs. 64,000 shown in

the Budget will quickly disappear. It may be possible to escape a catastrophe by starving civil works according to the practice of the last two years, but the mischief of this course extends much beyond the immediate curtailment. I do not think my honourable friend Mr. Little will disagree with me when I say that all repairs put off and all works in progress delayed mean multiplying expenditure for the future. This is the most seriously unsatisfactory feature of the present Budget. The honourable member says in the Budget that he has endeavoured to bring the Public Works assignment up to something like its normal figure by putting it at Rs. 34,64,000. But in the first place, the average of the actuals of the four years 1889-93 is Rs. 38,10,000, and, in the second, those were years in which exchange compensation allowance did not encroach on the grant. It is also to be remembered, on the other hand, that the last two years were years in which Civil works were admittedly starved, the result of which is that the needs for the following years must proportionately increase. It is impossible not to feel that such a state of things is likely to tell heavily upon the healthy progress and prosperity of the Presidency.

Under these circumstances, I will ask your Excellency's Council to consider if they have not a claim on the Imperial Government for the amount of exchange compensation allowance, estimated at over seven lakhs for the Budget year. When the present contract was revised and settled in 1892, exchange compensation allowance was not taken into account. It is not an ordinary increase of expenditure arising out of existing circumstances, for which this Government must provide out of the settled assignment. It is an unforeseen increase brought about by the direct action of the Government of India. It seems to me, therefore, that it is something beyond what was provided for under the contract, and this Presidency has a legitimate claim to ask that an assignment of funds should be provided to meet the new

and unforeseen additional expenditure. The Imperial Government is responsible for this extra burden. This is an item which is beyond the terms of our contract with the Government of India and this Presidency has a legitimate claim to ask the Imperial Government to provide for this unforeseen expenditure. I therefore trust I am not over-stepping my bounds if I venture to suggest that your Excellency's Government should appeal to the Government of India for relief under this head.

In passing to particular heads of the Budget, there are two observations which occur to me with regard to that of Interest. The Council is aware that the amounts placed at the disposal of the Local Government for loans and advances are in addition to the contract assignment and are fixed yearly on a consideration of the available resources of the Government of India and of the demands presented, and the amount which can be advanced by the Local Government in any year is limited to the sums allotted for the purpose *plus* any sums received during that year in repayment of previous advances. I am glad to see that we have been furnished this year with the amount of the *takavi* advances budgeted for 1895-96—Rs. 13·95 lakhs; I am indebted to the Hon'ble Mr. Nugent's courtesy for the figures for the last two years, they are Rs. 5·83 and 8·44 for 1893-94 and 1894-95 respectively. No money is better employed than this, and I venture to make a suggestion which would enable the Government of India to lend larger sums by increasing their available resources. The Bombay Corporation owe the Government of India about 24 to 26 lakhs on account of the Vehar Water Works Loan, which they could easily pay off by raising funds on their own credit in the public market on advantageous terms. I should like to know if your Excellency's Government would support an application from the Corporation for this purpose. The Corporation would benefit by the premium they are likely to secure, while the resources of the Government of India would be freed for larger

takavi advances. The other observation I wish to make is with regard to the rate of interest. I trust that since the recent conversion, the Government of India will charge 3½ instead of the old 4 per cent. Coming to the head of Education, I venture to call attention to a very curious feature with regard to this head. Government are year after year very generous in the assignments they make under this head, but it is noteworthy that in no year has the amount actually spent worked up to the Budget estimate. In 1891-92 the Budget estimate was 18 lakhs. The actual expenditure was Rs. 16,36,000. In 1892-93 the estimate was Rs. 17,78,000, the expenditure being Rs. 16,42,000. In 1893-94 the estimate was Rs. 17,41,000, the amount spent being Rs. 16,43,000. In 1894-95 the Budget estimate was Rs. 18,11,000, while the revised estimate shows the expenditure at Rs. 16,86,000 only. This year my honourable friend is equally generous in his assignment, the amount put down being Rs. 18,67,000. But I suppose he will so work it that he will be able to realise the surplus he is in search of by bringing it down to the normal figure which for the years I have named is about Rs. 16,30,000. I do not make these remarks in any malicious or captious spirit, but I want to point out there always seems a good sum remaining available. Under these circumstances I venture to renew the appeal I made last year on behalf of the Gujarat College. The work of that college during the past year was not satisfactory, and it does not seem likely that this year there will be any improvement. I have always advocated a Government college for Gujarat. Bombay and the Deccan always had their Government colleges. In the Deccan we have, it is true, a prosperous college got up by private enterprise, *viz.*, the Fergusson College. This college is no doubt the result of the advantages which the Deccan has enjoyed by being in contact with the Government colleges for many years. If the Gujarat had the same opportunities as the Deccan I dare say Gujarat would have shown excellent results.

A Government college in Gujarat is, my Lord, essentially necessary and would not entail a very large amount of expenditure, as I showed in detail last year, and the amount could easily be made available from the large surplus I have just shown under the Educational head.

The Honourable Mr. Kirkham:—Has the College Council asked to be disestablished and transferred to Government?

The Honourable Mr. Mehta:—No; I make this appeal in spite of the Council, whose management has been a failure, and I say that the report of the past year shows that the management of the college by the Council has not been so successful as the management of the Government colleges.

There is only one other head to which I propose to refer, and to only a portion of that, *viz.*, the Bombay City Police expenditure. I cannot let this occasion pass without saying how grateful the city has felt for the generous solicitude with which your Excellency has endeavoured to settle the disputes between Government and the Corporation on this subject. We are extremely thankful to your Excellency and the honourble members of your Excellency's Government for doing justice to the city respecting many of the claims put forward in its behalf. I trust, however, that in the letter addressed to the Corporation, it is not meant to convey that in acceding to the contentions put forward by the Corporation, Government will have to refuse to give them credit for the receipts and expenditure on cattle pounds and *ramosis*. The pound is practically worked by the city police, though it has a separate superintendent. The difference in the receipt and expenditure in the item of *ramosis* arises from the difference of a rupee in the pay of the *ramosi*, which is Rs. 10, and the sum charged for him to private individuals to whom *ramosis* are supplied, Rs. 11, but the one rupee is really due to the city police for supervision and, I believe, clothing supplied. But while I congratulate Government on

the settlement arrived at, I cannot but regret that it is still incomplete, and that the most important of the items in dispute—Port Trust and Harbour Police—still remain in suspense. Government have had more than two years and a half for their investigations into their mysteries, and it cannot be said that they have not had sufficient time to come to a decision. Up to 1892, the city had to pay about Rs. 2,63,000 for the cost of the police. The action of the Government has now brought it up to something like five lakhs and a half. I do not mention this for the purpose of questioning the propriety or necessity of so enormous an increase within so short a period of time. But I mention it to show that under such a state of things, the Corporation is entitled to every just and equitable consideration at the hands of Government, and that the time has now come when the pending question between the Government and the Corporation with regard to the amount of Liquor License Fees should be taken in hand. When the Corporation protested against the city of Bombay being treated differently from all the rest of India in being burdened with the cost of the city police, Government mainly justified the exceptional treatment on the ground that exceptional sources of income had been allotted to the city, the chief of them being Liquor License Fees. But as the Corporation has more than once pointed out, Government are confiscating a very large portion of it. The city enjoyed the full amount of the fees till 1878. In that year, it was resolved for the sake of carrying out its Abkari policy without hitch that the collection should be with the Abkari Department without being hampered with the necessity of rendering a detailed account. In the Act passed that year, Government undertook to pay a sum which was thought at the time would represent substantially the full amount of the fees, and fixed Rs. 1,43,000 a year on the average of the last three years. The fees have now increased to more than double the amount, and if the city is to be liable

for the growing needs of the police to the tune of over 5½ lakhs, surely every dictate of equity demands that the city should have, on the other hand, the full benefit of the growing revenues from the liquor licenses. Government promised in 1888 that they would consider the claim when they undertook fresh legislation. They have never been able to deny the justice of the claim, and I would solicit the attention of Government to the necessity of now settling this long-pending question.

REPLY TO PUBLIC ADDRESSES AT BOMBAY.

[*A public meeting was held at the Gaiety Theatre, Bombay, on the 20th December 1895, to present to the Hon'ble Mr. Pherozeshah M. Mehta, C.I.E., two Public Addresses voted to him, one at a public meeting of the citizens of Bombay, held on the 20th April, preceding, and the other by the Eighth Bombay Provincial Conference, held at Belgaum in May of the same year.* The Hon'ble Mr. Mehta made the following speech in replying to the addresses.*]

Mr. Chairman and Gentlemen,—I cannot but be deeply and sincerely grateful for the great honour which you have been pleased to do to me in presenting these addresses. However little he may have done to deserve it, however conscious he may be of his shortcomings, the recipient of such an honour cannot but be deeply touched and affected by so signal a mark of the generous indulgence, partiality and confidence of so many of his fellow-countrymen in this Presidency, coming as it does on the top of no less ungrudging an appreciation extended to him unstintedly from other parts of the country. So utterly beyond my deserts as it is, I can still only tender to you my most heartfelt thanks for the warmth and cordiality of your addresses. In doing so, will you permit me, gentlemen, to make a confession, and a somewhat ignominious one? People have been somewhat puzzled at the time that has elapsed since the adoption of the addresses before presenting them. Well, gentlemen, the fact is, that so embarrassing and dumb-foundering it is to be made to stand up to receive personal compliments and be expected to ring changes on that odious word ego in reply, especially when you are uneasily conscious all the time how far short you have fallen of the ideal held up to you, that when I was asked to prepare to receive these addresses publicly, my first impulse was to make a clean bolt of it, or failing that, to put off, I was going to say the

* For Addresess, etc., see Appendix.

evil, but I mean the uncomfortable day indefinitely. But, gentlemen, I derived courage and confidence from an unexpected quarter. (Cheers.) In a speech made at a recent memorable dinner, our late Governor—who, by the bye, has discovered since his retirement that the dissatisfaction with his administration was owing to his advocacy of the interests of the masses against those of the classes, which is news indeed out here to both the masses and the classes—our late Governor spoke in a bantering tone of 'that *triumvirate* which is known as the Bombay Presidency Association' and 'that *individual* who is the Poona Sarvajanick Sabha.' No doubt his Lordship humorously meant to compare those unfortunate three persons to the three Tailors of Tooley Street. (Laughter.) But at the same time his Lordship has unwittingly emphasized the fact that if you want to know the motives and principles of the men who form public bodies like the Bombay Presidency Association throughout India, you can safely assume them to be represented in the motives and principles of any three men among them, whether it was as in past days, my late friend Mr. Telang (cheers), whom we shall never cease to lament; or it was Mr. Budruddin Tyabji (cheers) before his elevation to the Bench which has been hailed, if not more, certainly as enthusiastically by Hindus and Parsis as by his own co-religionists, or whether it is my life-long veteran fellow-worker Mr. Dinsha Wacha, and myself, or whether it is the father and founder of the Sarvajanick Sabha whose great talents and varied accomplishments are devoted to the service of his country with an untiring zeal and unflagging perseverance which are equalled only by the simplicity of his heart and the nobility of his mind, I mean my friend Mr. M. G. Ranade. (Loud applause.)

In something like this spirit, gentlemen, I imagine that the addresses which you have been pleased to present to me to-day are presented to me, not so much in my specific personal capacity, not so much as eulogis-

ing my sole individual motives and principles of political action, but as setting forth the motives which actuate the conduct of educated men all throughout the country, the principles which guide and regulate their action, the credentials which they possess of their qualifications and the constituents whom they can, if not scientifically and systematically, at any rate really and substantially represent. From this point of view, gentlemen, I receive your addresses with the most grateful acceptance as setting the seal of the public approbation and appreciation on motives which it is now the fashion to malign, on principles which are ignored or misrepresented through prejudice and intolerance, on credentials which are denied, and on the actuality of constituents who are said to have no existence. The time you have chosen, gentlemen, for this vindication is most appropriate, for there has been recently a remarkable recrudescence of calumny, misrepresentation and resentment against all those natives who venture, however humbly, to take an active interest, according to the best of their lights, in the welfare and progress of their native country. They are held up to scorn as ignorant and dishonest critics, they are denounced as selfish, ambitious, and dangerous agitators, they are ridiculed as fussy and meddlesome busybodies, they are contemned as pretentious nobodies, they are gibbetted as unscrupulous demagogues, by people high and low in Anglo-Indian circles in this country and in England. (Shame.) We are bound at all times to speak with respect of the high functionaries of the Crown; we can only deplore that so responsible a minister as the present Conservative Secretary of State for India, Lord George Hamilton, should have been so far misled as to speak of us in a letter recently written by him as 'those who wish to destroy and revolutionise the organic institutions of their country.' (Cries of 'oh, oh.') As if this was not enough, we have been only the other day reviled as croakers of evil, shouters of sedition, and revolutio-

mongers (loud laughter), by one of our own countrymen (loud laughter) who though never a prophet in his own country, is, by some occult process of metamorphosis, made to look like and pose in England as if he were really a great man in Israel (renewed laughter), a man who hob-nobbed with our rajahs and maharajahs, was hand and glove with our merchant princes, was foremost among the kings of industrial development, was a philanthropic employer of labour, and who was at the same time the sympathetic friend and patron of the zamindar and the ryot. (Laughter.) We have never recognized except one Indian who had the right to make a representative claim for all India—and that man by universal acclaim is Dadabhai Naoroji, to whom prince and peasant joined to give more than a royal welcome on his way to Lahore, Christmas before last. The pretensions of Mr. Bhownuggree (hisses) to depose Mr. Dadabhai in the hearts of his countrymen of all classes and degrees could only be received in India, as they actually were received, with amused shouts and roars of laughter. In the days when natives of India were rare in England, it sometimes happened that people utterly unknown and of no position were received and were able to pass themselves off in social circles for princes and rajahs and nawabs, on the strength of a little tinsel, a gold-embroidered cap, a satin coat, or a little jewellery such as even loafers in Indian bazaars affect in Indian towns. (Loud laughter.) The phenomenon is no longer possible in society owing to the increased numbers of natives going to England; but it seems that there is still room for it in political circles.

A certain class of Anglo-Indians have decorated Mr. Bhownuggree with a little gold lace, and he is set up as a great political oracle of 'credit and renown' (loud laughter), and he has been made oracularly to donounce the educated classes as sowing discontent and sedition by their perpetual selfish and unscrupulous attacks against the English in India. (Renewed laughter.) Gen-

tlemen, I for one recognize the singular competence of Mr. Bhownuggree to formulate such an indictment, for I have a very vivid recollection of an incident that took place some years ago. I was returning from Kathiawar where I had gone on some professional work, and a friend joined me at Wadhwan in the compartment in which I was travelling. We got out for dinner at the refreshment room at Ahmedabad station; on returning to our compartment, we found an English gentleman installed in it with a huge and fierce-looking dog by his side. (Laughter.) Both my friend and myself had very strong objections to travel in such company for a whole night, and finding on enquiry that the gentleman meant to keep the dog with him, we tried to persuade him to relegate his companion to the dog-box in accordance with railway regulations. On his refusal, I spoke to the station-master, which so irritated the dog's owner that very soon my friend and he came to high words and some not very choice language, and I had just time to rush between them to prevent them from proceeding to blows. (Laughter and cheers.) As I took my friend aside and tried to pacify him, the English gentleman complained to people gathered about how utterly unreasonable and provoking our conduct was in objecting to the company of his dog. 'I never object to travelling even with natives in the same compartment,' he said with the most aggrieved air in the world. You can scarcely conceive, gentlemen, the paroxysm of fury into which my excited friend was thrown at this comparative description of the status of dogs and natives, none the less stinging because made with the most perfect unconsciousness of its insolence. I thought it advisable to take him and myself to another compartment where I tried to moderate his somewhat violent tirades against the intolerable rudeness of Europeans towards natives of all classes from princes downwards, by telling him not to generalize over-much or take individual cases too seriously. But he was not to be consoled; he scouted all attempts

explain away the insolence of the treatment of natives by Europeans as anything akin to the estrangement caused by the exclusive character of native social and religious ways. He called to mind many of the stories on this point related in that excellent article in the October number of the *Contemporary Review* from the pen of the Rev. Mr. Bonner, whose accurate statement of facts those who are acquainted with things below the surface can fully verify. My friend added many others with which natives are familiar, including that relating to the English Gymkhana in Bombay. I capped it with the doing regarding the Frere Hall in Mahabaleshwar, built largely by native donations, but which has been substantially handed over to an European club which debars, by one of its rules, any native visitor being allowed even on the verandah of the club premises. (Cries of 'Shame.') Though feeling very sleepy, I was regaled by my friend for half the night with croaking fears as to the permanence of British rule owing to this galling behaviour towards natives, of the same character as are now denounced in the mouth of educated natives. This friend of mine, the hero of this story, was, gentlemen, no other than Mr. Bhownuggree (loud laughter and cheers), who has now recanted the errors of his old ways and is posing as a reformed character before Anglo-Indian audiences to denounce the folly and danger of allowing the educated classes to make perpetual attacks on and criticise Europeans in India, who, if they have faults, have them only as the sun has spots. (Laughter.) The fact is, gentlemen, that these charges of being selfish agitators, ambitious demagogues, and unscrupulous critics hurled against educated natives are the outcome of intolerant prejudice and selfish jealousy; or are made by people who have no acquaintance whatever with the inner workings of the life of intelligent and educated Indians, and who have never penetrated below the surface to find the real motives which actuate them in the part which they play in public life. Our

faults are many, our imperfections numerous, our capacities and abilities neither great nor brilliant, our methods disjointed and spasmodic, but our motives are not what they are represented to be by a certain class of Anglo-Indians who have now caught Mr. Bhownuggree to echo their sentiments.

Speaking for this Presidency, to know them and to comprehend them, we must go back to the time when the sober and sagacious foresight of that great statesman and administrator, whose memory will always be reverently enshrined in our hearts, laid down the foundations of a policy, so different from the fashionable cant which now finds favour of specious and short-sighted depreciation of the national value of the mission of higher education and which bore fruit in the establishment of schools and colleges, notably Elphinstone Institution in Bombay. (Cheers.) I shall never be tired of repeating the story related of Mountstuart Elphinstone (cheers), in pregnant illustration of his educational policy, by General Briggs, who served under him at the time of the Mahratta war. 'Finding in his tent,' says that officer, 'a pile of printed Marathi books, I asked him what they were meant for.' 'To educate the natives,' he replied, adding after a pause, 'that it may be our high road back to Europe.' 'Then, I wonder,' said General Briggs, 'that you, as Governor should set it on foot.' To which he gravely replied, 'We are bound under all circumstances to do our duty by them.' Grand as the reply is in its noble simplicity, it is no less remarkable for the depth of the conviction permeating it that the permanence and stability of British rule was only possible under the policy which was summed up some years ago in Mr. Buxton's book on the 'Ideas of the Day on Policy,' as the idea that England should govern India for the benefit of its own people.' From the educational institutions established under the glowing inspiration of so noble a genius as that of Mountstuart Elphinstone issued a band of noble youths thoroughly imbued with the sentiment

that the education which they had received was given to them, not only to promote their own worldly advancement, but to devote it at the same time to the grateful performance of what that education taught them was the secred duty of helping, in however humble a way, in making the foreign rule of the country in whose hands the destinies of their mother-country had been placed by the inscrutable dispensation of Providence, a blessing to them both instead of a curse. (Cheers.) The spirit and influence of these young men, penetrating in a hundred directions, have left an abiding mark in the aims, thoughts and aspirations of the people of this Presidency who will always cherish with pride and affection the names of Nowrozjee Furdoonji, Dadabhai Naoroji, Sorabji Bengali, Vishwanath Mandlik and many others, the first fruits of the growth of the Elphinstone Institution. (Loud cheers.) Though the first bloom and freshness of the enthusiasm has waned, the spirit which they breathed into the hearts and minds of succeeding generations of students has never been extinguished, and the same impulse and the same sense of duty are still, in the main, the guiding motives of the part which our educated men take in public affairs, notwithstanding numerous temptations to sink into apathy and indifference, notwithstanding sore inducements to desert the cause, notwithstanding sneers and slanders, discouragements and disappointments of every sort. Gentlemen, we may not be perfect in our parts, indeed we are not by a long way, but on the other hand, our motives are neither unworthy nor unholy.

Impelled by these motives, what are, however, the general principles which regulate our public action? We are perpetually told that our claims, criticisms and aspirations are mischievously directed towards creating undeserved discontent with our English rulers who, if left to themselves, could be entirely trusted to govern the country wisely and well. (Laughter.) It is said that in a country whose conservatism is so deep-rooted

and intense as in India, it is absurd to seek to adopt the radical notions and methods of the western world. There is no greater misconception of the real problem than what underlies this criticism. (Cheers.) There would probably be some force in it, if Indian conservatism was allowed to work out its own destiny. But in the conservatism of the country, the living force of a new and totally different civilization has established itself in all the vigour of its unceasing activity, and it is idle to talk of letting the aboriginal conservatism alone. The ancient conservatism is permeated already by the exigencies of a foreign rule of a radically different type, and the problem is how to reconcile them to a harmonious evolution. It is the inherent conditions of this complicated problem that absolutely create the need of a vigilant activity on the part of educated and intelligent natives. There is no word which is so misused and maltreated and which is more made the vehicle of the fallacy of the middle term than conservatism, when it is used to preach inactivity on our part. (Applause.) Because India is conservative, is there no need on our part to agitate for the reduction, for example, of the salt tax in the interest of the masses, for the enforcement of a policy of economy, for the lightening of the burden on the land, for securing a more sympathetic and less insolent treatment of natives by Europeans, for securing juster verdicts from European juries in cases of offences against natives? (Cheers.) It is grossly misleading to suppose that what we aim at is to supersede Englishmen altogether, or, as it is sometimes put, to take the administration of the country into our own hands, leaving them the solitary task of supporting us with English bayonets. (Cheers.) On the contrary, no one is more ready than ourselves to acknowledge the singular capacity of the British nation over all other civilized peoples on the surface of the earth for governing a continent like that of India. (Applause.) In many respects, even the faults and vices

of their character and temperament eminently adapt them to the difficult and delicate work. But it would be idle to gainsay that the necessary conditions and limitations that must beset a foreign rule of so complex and unprecedented a character inevitably involve risks and perils and pitfalls, in avoiding and providing against which, the watchful criticism and close co-operation of the educated classes cannot but be most useful and helpful. It is most true, and we acknowledge it with unaffected gratitude, that at least since 1858, when the Government passed to the Crown from the hands of a trading and commercial company, the sober and sturdy political genius of the British people led them to recognize and proclaim that a just and righteous policy was alone calculated to secure the stability and permanence of the Empire, and to render the possession of India a source of strength and profit. But a policy of this character is not established as soon as it is proclaimed. There is always a struggle to relapse into the old ways of temptation. When Moses was called up into the mountain, even the favoured people lost no time in falling off from the Lord, and, relapsing into the abominations of the Egyptians, betook themselves to the seductive worship of molten idols and golden calves. As among the stiff-necked people of Israel, so among the English in India, there is still a large class who hanker after the fleshpots of Egypt and the worship of golden calves, and who strenuously maintain, with all the bigotry of narrow selfishness and uncultured short-sightedness that, as Mr. Bright once put it for them, having won India by breaking all the Ten Commandments, it was too late now to think of maintaining it on the principles of the Sermon on the Mount.

The danger, not of an open reversal, but of stealthy, insidious and indirect evasion of the policy inaugurated in 1858 is always imminent, and one of the principles of our political creed is to be always on the watch to expose and defeat all attempts and devices to leave the

service of the true god and return to the worship of false and corrupt idols. This attitude is unfortunately liable to be misconstrued and misrepresented as seditious hostility to all English rule, when it is really aimed only against those among them who are always preaching and practising a relapse into the old idolatry. It is often reviled as hatred and enmity to English rule itself, when it is really an appeal to raise its nobler from its grosser part. Then, gentlemen, there is a duty imposed upon us in consequence of the bureaucratic constitution of the administration which must be largely foreign in the very nature of things. It is in the very essence of a bureaucratic regime to demoralize, unless its healthy condition is constantly promoted by watchful scrutiny and vigorous criticism. (Applause.) The danger is infinitely enhanced in the case of a body like the Anglo-Indian bureaucracy, foreign, secret and irresponsible. So competent and qualified a judge, but one by no means unfavourable to or prejudiced against his English hosts who chaperoned his visit to India, as Sir C. Dilke, gave it as his deliberate opinion that 'it was neither safe nor expedient to carry on the administration of the country at the hands of a secret and irresponsible bureaucracy.' (Cheers.) This conclusion involves no disparagement of the personal merits of individual officers, though it is a curious fact that on his visit to India, the late Lord Randolph Churchill did not form a high estimate of the capacity and attainments of Anglo-Indian officials. (Cheers.) He is reported to have said that though there were some good men among them, the average was very mediocre. But even if mediocre, there can be no question but that English officers must possess some share of the great qualities of the English race. The danger and the mischief lie, in the first place, in the one-sidedness and secrecy of the system, and secondly in the circumstance that English officialdom is not in touch with the people. (Loud applause.) I know that the latter statement of fact is vehemently and passionately

denied, so passionately indeed that one is tempted to suspect that my lady protests too much. In vindicating at the Byculla Club dinner his policy of relying upon and consulting district officers only, seeing with their eyes and hearing with their ears, Lord Harris strenuously urged that he was justified in doing so, because these officers were in complete touch with all classes, especially the agricultural masses. (Hisses.) I have no doubt his Lordship was sincere in his conviction like many others who echo the same sentiment from superficial observation, and without having a close and intimate personal insight into the real state of things. The claim is certainly a very plausible one, and strikes people unacquainted personally with the inner and deeper aspects of district life with great force. For close upon eight months of the year, district officers camp into the district, and visit place after place, and village after village of one or more of the talukas, doing revenue and magisterial work which must necessarily bring them into contact with large numbers of the people ; and even shooting and sporting interludes must go some way in the same direction. And yet it is an unquestionable fact that this contact, so close in some respects, never ripens into real insight and true knowledge, and does not develop the power of intuitive comprehension.

It has often been a matter of great surprise to me as I believe it has been to many others, to find in unexpected casual ways how even the most experienced and sympathetic European officers incidentally betray the most startling inability to enter into and comprehend the simplest facts of native life and native thought. The reason lies in what may be termed the 'aloofness' of the English character and temperament. The district officer does his work, but outside and beyond that he stands utterly aloof from the people. His interests and his amusements are jealously confined within the narrow circle of his own people, and he never seeks an opportunity, as he has neither the inclination, to enter really

into the life of the people around him in the hundred ways in which it can be done even between people of different social and religious creeds. Hindus and Mahomedans are separated by habits and religions radically diverse; they could not intermarry nor break bread with each other. Yet even in the proudest and most bigoted days of Mahomedan rule, there was close and intimate communion and mutual knowledge between them. Fitful attempts are made by conscientious Englishmen to show interest and sympathy, but as a general rule, the English officer stands in a proud and sometimes contemptuous isolation which prevents him from ever acquiring a real hold over the facts of native life. At the most, he is sometimes an amused looker-on or a philosophical spectator. This aloofness and isolation unfortunately intensifies another disqualification in the same direction. Englishmen are not easy linguists at any time; but in India they never acquire anything distantly approaching to a living knowledge of any of the different languages of the people. In the Bombay Presidency, there are not half a dozen men who have a good colloquial knowledge of any of the vernaculars or can carry on a decent conversation on general subjects with an ordinary native. They never acquire the lights and shades which are the current coin of the inter-communion of native life and without a knowledge of which it is impossible to dive into the heart and mind of the people. In pointing out the hollowness of the assertion that District Officers are in touch with the people, I am not enunciating a grievance or exposing a fault; it may be that the aloofness which causes it has its own uses and advantages in other directions; I am simply stating a fact. But it is a fact which it is of great importance to recognize. It places these officers in the hands of the people around them who may or may not be worthy of confidence in the way of knowledge, capacity or interest, and deprives their views, opinions and conclusions of the authority due to information at first hand. But unfortunate as this

circumstance is in itself, it is fraught with immeasurable posssibilities of injustice, oppression, and mischief when taken in connection with the secrecy with which the administration is chiefly carried on. (Cheers.) It is a cardinal point of administrative etiquette never to disclose what the district officer may have reported about particular men or measures ; you cannot make even a shy at an indirect guess from the reasons of Government for its final decision, for Government now direct that the bare decision, without the reasons, should alone be communicated to the parties concerned. Gentlemen, it is this state of things which makes the most unceasing, the most searching and I will add the most uncompromising criticism of the acts of district officers a duty and a necessity, if the administration is to be saved from increasing demoralization. (Cheers.) I know there are wise people who say that it is not to criticism that objection is taken, but only to hasty, violent, ill-informed, and unscrupulous animadversion. (Laughter.) Gentlemen, it is a remarkable fact that each side is generally convinced that the criticism of the other is irrelevant, unjust and dishonest. (Laughter and cheers.)

But leaving that alone, if our criticism is very often necessarily ill-informed, it is not we who are altogether to blame but the secrecy in which the administration is enveloped. I make bold to say that under such a system even ill-informed and uncompromising criticism has its uses, for, if it sometimes does a temporary injustice, the fear of it also serves as a check and a warning against many an act of arbitrary and oppressive authority. It is the only antidote of any real efficacy we possess at present against the inevitable evils of a secret and irresponsible bureaucracy. In the course of one of the speeches distinguished by a genial and sympathetic tact which seems to win for his Lordship all hearts wherever he goes, Lord Sandhurst has gently advised us not to make sweeping charges against officers of knowledge

and experience. It is impossible not to receive with great respect advice given in so frank and sympathetic a manner as distinguishes his Lordship. But we would pray his Excellency also to remember the relative position of the people and these officers under such a system of secret and one-sided bureaucratic administration as prevails in this country. We have no other means of judging of the motives of these officers except from their overt acts. Even in criminal jurisprudence, it is not always possible to give direct evidence of the motive by which a crime is actuated, and the law directs that an inference of the felonious or malicious intention may be justly and properly made from the acts of accused persons. When we attribute motives to settlement officers, for example, it is from their acts and proceedings and their results and consequences that we draw our conclusions. It cannot be unbecoming, improper, or undesirable on our part to submit these conclusions to representatives of our Sovereign placed at the head of affairs on the rare occasions they move in our midst, not for immediate acceptance and remedy, but as the convictions firmly and universally entertained by large bodies of the people entrusted to their care, and therefore deserving of being treated in a sympathetic and considerate manner by kindly efforts at explanation and refutation, and where that was not possible, by promises of enquiry and redress. There is a time for argumentative memorials; and there is a time for formal and public submission of grievances in brief general terms. It would be a pity and a misfortune if it should come to be believed that the right encouraged by the wisest even of despots of allowing their subjects to present their complaints in person, was in any way intended to be curtailed. Those, however, who advocate the repression of free criticism and the gagging of our mouths urge that it is absolutely necessary to protect the officials from the constant attacks made against them, as to listen to complaints of their acts and to appeals against

their authority is apt to bring on the dire misfortune of destroying their prestige. Gentlemen, I have come to dread nothing so much as the intrusion of this wonderful word *prestige* in Indian political discussion. It does duty for every act and measure that has no other argument to support it. Only the other day, so eminent a politician as the present Leader of the House of Commons, Mr. Arthur Balfour, vindicated the retention of Chitral on the imperious score of prestige, forgetting that even the carefully edited Chitral Blue Book showed that the occupation was part of a deliberate scheme designed so far back as 1876. (Cries of 'Shame.') To me, it seems that the prestige both of the administration and its officers, instead of suffering, is likely to be increased under a freer system, because in the first place the work would be more carefully and impartially done, just as judicial work is done more cautiously and carefully under a system of appeal, and secondly because there would be a diminution of the possibilities of undeserved obloquy and dissatisfaction arising from ignorance and misunderstanding which a little publicity and explanation would easily remove. (Cheers.)

But, gentlemen, when we charge the district officers with not being in touch with the people, they try to turn the tables against us by saying that the educated natives are still less so. (Laughter.) Whatever their own qualifications, what are your credentials, they ask? They try to make out that in the first place, the microscopic minority is congregated only in the large towns and are utterly ignorant of the feelings and thoughts of the great bulk of the people. They gravely advance, besides, that education has so denationalized its recipients that they could no longer represent or understand real native life and sentiment. It is a curious illustration of the inconsistencies of the human mind under stress of a controversy that these same men are immensely fond of impressing upon us that our education is a mere superficial veneer, the slightest scratching of

which reveals the old unregenerate barbarism in all its hideousness. Now what are the facts? Why, the large majority of educated natives are drawn from the small towns and villages of the Presidency, and have grown up in contact with all varieties of the trading and agricultural classes. Then is the educated native estranged by his education from his kith and kin, and utterly denationalized? So far from that being the case, we have had recently to deplore a very suggestive spectacle of educated natives sympathizing and going hand in hand in an extreme spirit of reaction and intolerance with the old orthodox opponents of all social reform. It is monstrous to allege that however educated, the native can throw off the material from which he has grown and developed. A native, educated or not, must in the nature of things intuitively understand native thought and feeling, where the most cultured European must lamentably fail. It is not a question of capacity or attainments, but in the one case it is a question of arduous effort, in the other it is simple nature. Gentlemen, we can understand our own countrymen more easily and more truly than the most accomplished and the most capable European. (Applause.)

But what are our credentials of positive knowledge? The other day a friend of mine told me that he was travelling with a high English officer—a superintendent of police, and the conversation turning upon the debate on the Police Bill in the Viceroy's Council, the officer was very severe upon my presumption in opposing it, as I could know nothing of things in the mofussil (laughter), whatever may be the extent of my ignorance regarding the city of Bombay. (Loud laughter.) This, gentlemen, is a typical charge in which Anglo-Indian officials are fond of indulging. Though by no means a very favourable specimen, I am willing to submit to an examination on that point (laughter and cheers), not of ability, but of knowledge and experience of the people. During a practice of a quarter of a century, I have gone on

professional business times without number. I have traversed in this way Gujarat and Kathiawar, Rajputana and Central India, the districts to the east, and a great portion of the Deccan and Southern Mahratta country. I have thus visited not only the large and small towns, but thanks to the combination of revenue and judicial functions (loud laughter), I have followed the camps of district officers from village to village in the remotest parts of the Presidency. I have had to appear before all classes of officers from the mahalkari and mamlatdar to the district magistrate and the district judge. I have practised in the courts of Native States and have pleaded before native chiefs and their judicial officers of every degree of competence. In the course of these peregrinations I have come in free, close, and spontaneous communion with all classes of clients, with the thakore and the talookdar, the tradesman and the artisan, the zemindar and the ryot, not to forget the most famous outlaw of Kathiawar of present days, don't be alarmed, gentlemen, not in the way of being looted (a laugh), but in friendly converse and consultation. But it is not the extent of this communion only that is of importance, it is the nature and character of it. In Guzarat, Kathiawar, and Rajputana at least, I was a native speaking in a common vernacular; in the Mahratta country, I could understand, though I could not freely speak in the language of those parts. I confess my ignorance of Canarese. This alone gave me an immeasurable advantage over the best of Europeans. But what was still greater, the hearts of the people would open to me as they could never open to any, even the most sympathetic, officer, and I could enter into their real thoughts and feelings and interests without let or difficulty. These are my credentials and they are typical of those of hundreds of educated and intelligent natives. I think we can therefore lay claim to know a trifle more of the heart and mind of our countrymen than the ablest and most experienced of English officers. Some of them

have deservedly earned a high reputation for industry and capacity in compiling statistical catalogues and encyclopædias of every variety of Indian information; they perhaps possess a larger collection of the dry bones of Indian history. But of the living forces of Indian life and sentiment, we must humbly take the liberty of claiming a more intuitive, intimate, and superior knowledge. (Applause.)

Gentlemen, this brings me to the question of who are our constituents. We must at once confess that we do not represent any class or body of people on the basis of any scientific principle. We have no organized body of electors at all. Still, when Lord George Hamilton, the present Secretary of State for India, echoing our Anglo-Indian friends, insisted that a body of educate dnatives like the Congress, represented nobody but themselves, he failed in his grip of the true situation. Without being elected, our communion and our intercourse and our common nature with the people can qualify us to understand and to interpret their wants, wishes and sentiments, their hopes and their grievances, in a more representative manner than their foreign rulers. I quite admit that the masses of the people are not in themselves capable of formulating clear political ideas; but feeling with them and understanding them, our education can enable us to give clear articulate expression to their confused thoughts and suggest appropriate remedies for their requirements. We are more in accord with the princes and chiefs of the country than is quite known or imagined. A Kathiawar chief was once put up to say in England that native chiefs had no sympathy with bodies like the Congress and the ways of our educated classes. (Laughter.) Nothing could be a more inaccurate statement. Speaking from my own knowledge, I can vouch that the majority of the chiefs of this Presidency have close sympathy with the aims and objects of educated natives, and specifically with those of the Congress, and they have given substan-

tial proofs of their friendly interest. It is true that they do not always give open expression to their views for fear of displeasing their Political officers who have it in their power to harass them in a hundred different ways or to withhold from them the guns, orders and honours which they dearly love. But we can know and interpret their opinions and sentiments better than Political officers. We know that they are true and loyal, but we know how they resent the treatment that is often given them, for example, in the close and secret manner of deciding upon their claims and rights and differences, in which it is now an established rule that the bare decisions contained in the resolutions of the Local Government or the Secretary of State should be communicated omitting all paragraphs dealing with the reasons and arguments, thus leaving them entirely to grope in the dark and generating an amount of irritation and discontent which is not suspected by the outside public.

We can equally represent the great masses of the people, and we can enunciate their grievances and the measures for redressing them. We can ask for a reduction of the salt tax in their interest; we can ask for a lighter assessment of the land; we can ask for them for economy and reduction of expenditure, and we can point out that nothing is more responsible for squandering the revenues of the country than the military policy which has again come into favour since 1884-1885. We can point out that, while one North-West scientific frontier was bad enough, that policy has added one promising to be equally troublesome, if not in time worse, on the North-East in the conquest and aquisition of Upper Burma. Lord Salisbury said the other day that his great chief Lord Beaconsfield had said that there is room enough for all in Asia, and added on his own part that England can hold her own under all circumstances. That may be perfectly true, but with France added to Russia in Eastern land and sea, we have the exhilarating prospect of Asia being turned, in the same way as Europe,

into a collection of armed camps. It is no doubt a proud prospect for vainglorious great Englanders, but the country regretfully casts wistful glances on the wise policy of Lord Lawrence whose keen sagacity had recognized that by costly efforts and enterprises to strengthen the outposts and frontiers, you may be indirectly weakening the base by impoverishing the people and undermining their contentment. In these and a hundred different ways, we are qualified by our position, our circumstances, and our education to speak for, to represent, and to serve our countrymen of all grades and classes. It is a high and noble mission, imposed by duty and sanctified by patriotism. (Applause.) Let us hope and trust that we may be enabled to rise higher and higher to it, to guide it with unswerving loyalty, to temper it with discretion and moderation, to prosecute it with constancy and integrity, and cement it with harmony and union. Individual persons can participate in it in only a small and humble way, but your presence here shows that if we honestly and fearlessly endeavour to perform what little it may be given to each of us to do, we may be sure of the unstinted and generous support and appreciation of our countrymen of all classes, creeds and persuasions. (Loud and long continued applause.)

SPEECH ON THE BOMBAY BUDGET OF 1896-7.

[*The Hon'ble Mr. Pherozeshah M. Mehta, C. I. E., made the following speech in the discussion on the Financial Statement at the Bombay Legislative Council at its meeting held at Poona on the 17th August 1896.*]

Your Excellency,—Before I proceed to make any remarks I wish to join in the acknowledgment to your Excellency for acceding to our request to postpone the discussion on the Budget. My Lord, I confess that in one sense the Financial Statement of my honourable friend Mr. Nugent is somewhat disappointing. We know his great abilities, and I for one have looked to him to state in this fifth closing year of the Contract the general needs and requirements of the Presidency contrasted with the amount given by the Government of India. I have no doubt that it would have been done in so complete a manner as to enlighten the Council not only with regard to our requirements, but also with regard to the terms hoped for in the next Contract. The honourable member, however, deserves to be congratulated on the excellent and lucid manner in which he has presented the Budget. I for one am very thankful to him, because his lucidity enables us to grasp the details of the Budget very readily with regard to the gloomy view which he took last year of the financial position of the Presidency, and as to what might take place next year, we see that the facts have been the reverse of this and the financial condition of this Presidency has been exceedingly flourishing. We always hear when we suggest some important reforms which entail a little expenditure, say the University grant of Rs. 5,000, that we lack funds for it. We hear from our honourable friend that our finances are hampered. Now what is the real condition? Look at the result of the last three Contracts. The first Contract in 1882 opened with a balance of 32 lakhs of rupees.

In one place it was stated that it was 52 lakhs of rupees, but that was merely due to a question of accounts. At the end of the Contract of 1887-1892 there was a closing balance of 40 lakhs of rupees, and then as regards the present Contract, which will have run through by the end of this year, my honourable friend tells us that in spite of his gloomy anticipations the revised estimates show a balance of 40 lakhs of rupees. He estimates the balance over the minimum balance at 18 or 19 lakhs of rupees, but I will not be surprised if his prognostications were falsified and the balance was much higher, so that, your Excellency, you will allow me to express a little surprise when, as I say, we hear that our finances are hampered when we press for money for very important and urgent purposes. I venture to make observations upon this point for one reason. I do not quite remember whether it was Mr. Trevor or Mr. Nugent who on one occasion said that it was not wise to save for the purpos of showing balances at the end of the Provincial Contra When we do this our balances are swept away by Supreme Government, who say—'Oh, you don't requ so much money. We will cut you down here and will cut you down there, so that you will not have su a large surplus to show at the end of the year.' is a false policy, and your Excellency's predece Lord Harris, had admitted that it would not be to economise by sacrificing very urgent reforms which depend in a large measure the prosperity the welfare of the Presidency. After making t general remarks, I will proceed to touch on one or questions, for I do not intend to travel over so an area as my friend Mr. Setalvad, with many of wh remarks, however, I am in entire sympathy. Some the points are deserving of very grave and seri consideration, and I will confine myself to one or t points. The first point is one upon which I hav touched here. It relates in the main to excise. friend Mr. Nugent looks me in the face, but I am

going to attack his abkari policy. I am going to ask him to provide one thing. I think negotiations must be going on for the Sixth Contract with the Supreme Government.

The Honourable Mr. Nugent :—No, not yet.

The Honourable Mr. Mehta :—I am sorry to hear this from my honourable friend. I am afraid the negotiations will have to be greatly hurried.

The Honourable Mr. Nugent:—There are seven months more yet to run.

The Honourable Mr. Mehta :—There are many details to be considered, and I am glad my honourable friend considers that seven months are adequate for the purpose of fighting out these details for the Presidency. We all remember the sturdy fight he made for the Presidency in the Imperial Council when a member of that assembly, and I am perfectly sure he will again do utmost on behalf of our financial needs. I would beg to remember the Bombay Municipality in this import matter. In the excise revenue there is always cluded a large sum of money—over three lakhs of pees—for fees levied with regard to the liquor licenses ven in the City of Bombay. I may say at once that is a source of revenue which does not legitimately ng to the Government. Perhaps your Excellency ot aware of the history of the question. Liquor were the property of the Municipality under section of Act IX of 1865. Under that Act the whole of revenue was to be credited to the Municipal fund he City of Bombay. That continued to be done, unfortunately for Bombay—I do not know whether fortunately for the Presidency or not—a new Act ne into force in 1878. In the draft Bill which sed the Council no notice was taken of this revenue, later the Honourable Mr. Ashburner brought in amendment for the money to be handed over to Government. This was, as Mr. Ashburner put not for the purpose of taking it away from the

ality, but for the convenience of the Abkari ment. It was proposed to give to the Municisum representing the recoveries of these fees. shburner introduced that amendment without ing the Municipality, and it was carried. He n average of the preceding ten years. If you fer to the proceedings of the Council in the 878, you will see that the Honourable Mr. Ashmoved the amendment at the last moment. e lamented friend Mr. Sorabji Shapurji Bengalee d out that this was a very sudden step, and he ed it in the interests of the Municipality. I shall o you the remarks of Mr. Bengalee, who said: 'I to make a remark with regard to the Honourable Mr. burner's amendment fixing the amount of the conution to be paid in compensation for the fines and alties and fees for licenses which are now paid to the nicipality. The sum has been fixed by the Honourable r. Ashburner at Rs. 1,43,750 per annum. Perhaps I may permitted to ask whether the Municipal Corporation ave been communicated with on the subject and whether ey have acknowledged the correctness of the amount.' our Excellency will see what reply the honourable entleman made. Mr. Ashburner said, 'I can reply that was from the Municipal records that this sum was rrived at. These figures were furnished by Mr. Grant Municipal Commissioner).' I will now read to you anther passage from Mr. Bengalee's remarks. He said: 'I think it would have have been advisable that the opinion of the Corporation should have been asked. I cannot see that the plan adopted by the honourable mover of taking the aggregate figures of ten years is quite correct. The rate of fees during ten years has varied very much and the aggregate amount per year has also varied—I mean it has increased steadily. When we find that receipts from liquor licenses and fines have been steadily increasing, I cannot see that it is quite fair that this calculation should be based on an average of ten years. The proper plan

would be to take the revenue of last year a something for prospective increases. I do not thi right to fix the sum to be paid by Government in at anything less than the receipts of last year, my objection to the amendment.' However, Sir, i of the objection the section was passed, and fro time up to the present the Bombay Municipalit been claiming the full amount which has been rec from license-holders. Admittedly that sum was no for confiscating it, but simply for the convenience collection of the Abkari Department. The Munic have special claims to ask for the redress of grievances on that account. The Corporation are t ful to your Excellency's Government for bringing ab the settlement of the police dispute, which I hope be satisfactory to both the parties. In spite of fact that the Municipality pay over six lakhs of rup for the maintenance of the police force, I will the Council to remember that the Bombay Municipal pay this heavy sum of six lakhs and a half of rupe in a way differing entirely from the policy prevaili in the rest of the Presidency, where the cost of th police is a Provincial charge. Bombay still continu to pay a large portion of the cost of the police. Th Government of Bombay in deciding that the Bomba Municipality should continue to pay the cost of th police, gave as one of the reasons that Bombay wa specially favoured with receipts from three sources o revenue, and that Bombay has enjoyed the specia license fees. Now, my Lord, there is no reason wh the increased revenue from the license fees should no be handed over to the Municipality. I beg of you to consider whether the Municipality should not receive to the full extent that source of revenue which was given away simply for the convenience of the Abkari Department. Now you will be surprised to find what it is that the Bombay Corporation are deprived of. Though the amount was fixed at Rs. 1,40,000 it has gone

on increasing and will still go on increasing. It rose to Rs. 1,51,000, and in the year 1887-88 it had reached Rs. 2,16,000, from which again it rose to Rs. 2,33,000 in the year 1893-94. It came to Rs. 3,00,000 in the present year 1895-96 and certainly the sum of Rs. 3,00,000 should go to the Municipality instead of the amount received based on past averages. I ask my honourable friend Mr. Nugent whether the sum which rightfully and legitimately belongs to the Municipality should not be restored to them, especially as three-fourths of the cost of the police comes on the Bombay Municipality. This is a grievance which has been borne in mind. We have been asking for the restoration of the total license fees ever since the Act of 1878 was passed. We have got nothing for it. Why, as a matter of fact, its restoration is only a simple piece of justice to the Municipality.

I will now pass on to the head of Law and Justice. I find that the Criminal charges and the General Administration charges are still debited to the cost of the Assistant Collectors, Deputy Collectors and others and are still charged to Criminal Justice, though the cost of Justice could not be $\frac{1}{8}$ or $\frac{1}{4}$ at the most. I refer to this for the purpose of showing that the cost of any improvement which is desired can be abundantly covered by the revenue derived from that branch. I am glad to hear a rumour that as regards the much desired separation of the executive and judicial branches of the service, the result has been so far successful that it is thought advisable that some inquiry should be made. It would delight me to hear that my friend Mr. Nugent has after all been converted. I hope that this rumour is true.

The Honourable Mr. Nugent:—It has no foundation whatever as far as I am concerned.

The Honourable Mr. Mehta:—I am terribly disappointed to hear this from my friend Mr. Nugent. But perhaps it is possible that the rumour may not have come to my honourable friend's ears, and that the Judicial Member

may know something about it. I am one of those who never despair of success, unless all reasonable hope has passed away. I am quite sure that an enquiry will convince my honourable friend that it is possible to carry out the separation not only in an economical manner but in a manner which would secure more efficiency and more general contentment in the public mind. I am glad that the question of the undermanning of the Judicial Department is receiving attention. This is one of those subjects which require the careful attention of the Government because upon the judicial officers depends the best part of the English administration of this country. I hope Government will not practise economy under the head of the Criminal branch of the Judicial Department. I want to point out one little circumstance illustrative of the sort of economy which is being practised nowadays. I refer to the acting appointment of the Fourth Presidency Magistrate. Though the gentleman appointed at present belongs to my own community, I must say that in his appointment due attention has not been paid to the principles laid down in the dispatches of the Government of India and the Secretary of State founded on the recommendations of the Public Service Commission, and it is absolutely indispensable that this responsible position should be filled only by men of experience and of a certain standing and position. Government should take care to see not only that they are men against whom nothing can be said, but also that they are men of ability and of a certain standing. The administration of justice in Bombay is a very important matter considering the powers and jurisdiction enjoyed by the Magistrates. Whether there is any legal obligation in this matter or not on your Excellency's Government, I submit that restrictions as to standing and ability must be strictly observed. It is impossible not to give great weight to this rule. Against the gentleman who is now appointed there is not a word to be said personally.

He is a deserving young gentleman, my Lord. The consideration of the question of caste and community in such important subjects weighs very little with me. I am afraid considerations of economy have led your Excellency to make this appointment. But considerations of economy ought not to come in the matter. The place ought to have been filled by some judicial officer from the mofussil. Of course, you have, Sir, treated the question in a spirit of great liberality, and I must in no way impugne your liberal policy. I am told that many pleaders were asked to take up the appointment, but it was not accepted owing to the smallness of the remuneration.

Now with regard to the point which Mr. Setalvad is hammering at regarding the Clerk of the Insolvency Court, I must say that the state of affairs is really operating prejudicially on the public mind. I entirely agree with Mr. Setalvad's remarks on the subject. I believe that your Excellency's Government are making strenuous efforts to remedy the state of things, but though seven years have passed since the Finance Committee pointed out that the Clerkship of the Insolvency Court should be filled by an officer drawing a fixed salary, and though many other changes have been carried out in other directions, this much desired change and saving of expenditure have not yet been brought about. What does the officer get? Admittedly not the salary of the Chief Justice, but the salary of a Puisne Judge. It cannot but produce a baneful impression on the public mind when such large fees are taken in contravention of the recommendation of the Finance Committee. My honourable friend Mr. Setalvad was not speaking too strongly when he said that this matter has assumed the proportions in a small way of a public scandal. Something should be done to set aside such a state of things.

The only other head of accounts I desire to deal with is that of Education. I must admit that it produces

in my mind very mingled feelings of satisfaction and regret. The Government decision in regard to the University grant has caused very great disappointment to me and all others interested in the University, and, I may add, in the prospect of higher education in this Presidency. Your Excellency will remember that the position which this University has occupied, is not to be found in any other Presidency. Looking to the foundation and liberal creation of the University, it will be seen from the Acts which created it, that the University was deliberately and emphatically meant to be a state institution of a very important character. Hence it was that the Governor and no other person was to be the Chancellor; this fact showing the view of the Legislature as to the intimate relations which ought to exist between the University and the Government. That being so, I submit that the University is entitled to the sympathetic and fostering care of the Government more than any other institution in the Presidency, and it is a matter for the very greatest regret that the very small grant which was given to it has now been discontinued. This is creating an impression that the Government wishes to dissociate itself from the institution. The withdrawal cannot be justified on the grounds put forward. The different reasons that have been given from time to time in justification of the withdrawal create the impression that the real reason has not been disclosed. Your Excellency will pardon me for making this remark, but the reasons given for this withdrawal have differed from time to time. The Government has taken an entirely different attitude at different periods in regard to the University. When the grant was reduced from Rs. 15,000 to Rs. 10,000, the reason was not that the state could not afford it. It was not even said that it was not required, but it was not deliberately stated by Government that the University must cut its coat according to its cloth. It was said, 'Let the University raise the

amount required for expenditure from the fees which it may recover.' When the examiners' fees were increased, the Government declined to give any share of the cost, and said that the University should find the money, independently of the Government grant. When the grant was again reduced by the Government of Lord Harris, it was said that the step was taken because of the financial exigencies of the Presidency. It was your Excellency's predecessor who said that the Government could not afford to spare the paltry sum to the University. But that cause no longer exists, and the reason now put forward is that the University has no need for the money. I now confess that that would be a very good reason for withdrawing the grant if Government had only taken steps to ascertain authentically that the University was not in need of the money. The Senate is not a popular body. It is created by the Act in this way, that the Fellows are nominated by the Government for the purpose of advising and assisting the Chancellor with regard to the management of University affairs. If Government had gone to the body which is thus constituted and asked whether there was any need for further money or not and taken the course of withdrawal after the Senate had replied in support of that view, then it could have been well said that the Government had made inquiries and satisfied itself that there was no need for the money. But that is not the course which Government has followed. Not the slightest reference was made to the Senate as to whether there was further need of the money or not. Government assumes the fact that the University does not want the money and withdraw it. A respectful representation of the Senate will come to your Excellency on the subject and will show that this money has been taken at a time when the University is absolutely starving for want of funds. It has not carried out particular reforms which are required for the prosperity and development of the University, because of the want of funds. There is

very urgent need for the money. As I have elsewhere spoken as to what reforms are needed I need not here dilate upon them, but I can say that the University requires a far larger sum than Rs. 5,000 per annum to give it the margin for carrying out these reforms. It is a most regrettable thing that the Government should have taken away that paltry sum when the economic conscience of Government can look on the very large sum of Rs. 50,000 carried away by the Clerk of the Insolvency Court for doing absolutely nothing, which would have covered the University grant many times over. It is a pity that the University has not at its back a powerful body such as enables the Clerk of the Insolvency Court to carry away such a large sum of money, although the Finance Committee has said that the work could be done by a man on a fixed salary of Rs. 600 per month. I regret this withdrawal of the grant very much for its own sake, but not so much on that account as on account of the impression which prevails that the Government is determined to carry out the policy of withdrawal from higher education. I do not know whether your Excellency means anything of the sort. But the course of which I now complain has, unfortunately, a tendency to create and emphasise such an impression if this policy which Government pursues in regard to this and other matters is adhered to. As my late lamented friend the Honourable Mr. Telang said, 'It would not only be a mistaken policy in regard to education, but it would be mischievous and disastrous in its political unwisdom.' Great attention ought to be given to this matter. If not, it will be found productive of great political mischief. It would be the part of a wise Government to keep the entire conduct of higher education as much as possible under its own influence. I know that an erroneous impression prevails that the Honourable Mr. Kirkham supported that belief to my great surprise. The Education Commission has really deprecated a policy of that character. Nothing

can be a greater misrepresentation than the statement that the recommendation of the Education Commission was that Government should remain aloof from higher education. The impression or statement is wholly unwarranted and unjustifiable. The Education Commission had very great difficulty in formulating any proposition with regard to the withdrawal of the State from the direct provision and management of higher education. If my honourable friend will refer to the report, he will find that the Commission, at the outset, made the following acknowledgment:—'Perhaps none of the many subjects we have discussed is encompassed with greater difficulty or has elicited more various shades of opinion, alike among the witnesses we have examined and among the Commission itself, than this.' On one point, however, it was able to record an unanimous opinion that 'the withdrawal of direct departmental agency should not take place in favour of missionary bodies, and that departmental institutions of the higher order should not be transferred to missionary management.' With regard to all the rest, as I think my honourable friend will find, it was with very great difficulty the Commission was able to make any suggestion. They have pointed out the course of deliberations that took place in regard to the subject. The report says:—

It seems desirable to describe the course of our deliberations upon this subject with greater fulness than we have deemed necessary in other portions of the report. Our main difficulty was as to the initial recommendation from which all others would naturally follow. It was proposed to find such a starting point in the motion that adequate guarantees for the permanence and efficiency of the substituted institutions, the general closing of Government institutions, especially those of the higher order or their transfer to native management under the general control of, and aided by, the state, should be regarded as not only an important stimulus to private effort and consequently to any sound grant-in-aid system, but as urgently needed, in view of the social and political education of the people.

This motion was negatived. Then another was brought forward which was substantially the same, but adding that such withdrawal was desirable 'as conducive to the advancement of the social, moral and political education

of the people,' but this proposal was also negatived. In summing up the general conclusions arrived at, the report proceeds to state:

Our discussions brought out clearly the fact that, while anxious to encourage any natural and enforced transfer of institutions from departmental to private management, we are not prepared as a body to adopt any form of expression that may be construed into a demand for the immediate or general withdrawal of the state from the provision of the means of higher education. We are convinced that, while the transfer of management under the conditions stated is eminently desirable, it is only by slow and cautious steps that it can ever be really attained.

* * * *

The Department should cordially welcome every offer of the kind, and should accept it, if it can be accepted without real loss to the community; but while encouraging all such efforts, its attitude should be not that of withdrawing from a charge found to be burdensome and of transferring the burden to other shoulders, but of conferring a boon on those worthy of confidence, and of inviting voluntary associations to co-operate with Government in the work and responsibilities of national education. We have certainly no desire to recommend any measures that will have the effect of checking the spread and continuous improvement of high education.

His Excellency the President.—Where do you read these passages from? What book is it you are reading from?

The Honourable Mr. Mehta.—I have quoted from the report of the Education Commission. I have read this from a printed lecture delivered by myself. The report of the Education Commission is such a bulky volume that I did not bring it here.

The honourable gentleman, continuing, said.—Then, my Lord, with regard to this point I should like to read out one paragraph from the minute which was annexed by my late lamented friend Mr. Telang, who was a member of the Commission and who rendered very valuable services to that Commission. That paragraph is as follows:—

The next point I wish to deal with is that involved in the recommendation contained in Chapter VI. I cordially agree in that recommendation. And I hope that the Local Governments concerned will deal in a spirit of liberality with the cases there referred to, and not allow themselves to be influenced by the cry that too much is being spent on higher education in India. With that cry in the form in which it has been raised, I have no sympathy whatever. I unreservedly accept

the view that without mass education the country will never be able to enjoy to the full the fruits which it has a right to expect from the higher education. For that purpose you must bestow brains, as Mill has it, on those who have only hands. And in my judgment the time has now come when with that view mass education must be pushed onward, or as it is expressed in the Resolution appointing the Commission, 'the different branches of Public Instruction should, if possible, move forward together.' On the other hand, I hold an equally strong opinion that, without the higher education, mass education cannot be of much avail, even if it can be secured. And the argument so often urged that for the money spent on giving high education to one student, you might give primary education to more than one hundred, is to my mind utterly futile, and unworthy even of a moment's consideration. 'We have nearly all of us,' says Mr. Matthew Arnold, 'reached the notion that popular education is the state's duty to deal with. Secondary and superior instruction, many of us still think, should be left to take care of themselves.' And, after pointing out what has been done in European countries in this matter, he winds up thus:—'In all these countries the idea of a sound civil organisation of modern society has been found to involve the idea of an organisation of secondary and superior instruction by public authority or by the state? I will not dwell more on this point, but will merely say that in my opinion the whole religious, social, political and industrial advancement of the country depends on the steady adhesion to that enlightened policy, as regards high education, which has probably been the most generally approved portion of British Indian policy in the past. This opinion is quite consistent with a desire, which I strongly feel, that all private efforts in education, especially the efforts put forward by my own countrymen, should receive a fair field and due encouragement. But in order that such private effort may be forthcoming in any district, high education must, as a general rule, have been in existence in that district for sometime. And therefore, I trust that, when the recommendation under notice comes to be carried out, no embarrassments will be felt by the local authorities in consequence of any *a priori* idea of the superiority of private enterprise over state action,—an idea which, however well founded in many respects, is just now, I fear, likely to be set up as a fetish, and likely to be allowed to dominate in regions which, under present circumstances at all events, lie entirely beyond its sphere.

I have quoted these remarks and taken up the time of the Council in so doing for the purpose of showing the incorrectness of the belief that the Commission favoured Government withdrawal from higher education. In regard to the withdrawal of the University grant two considerations have been put forward. On one occasion we are told that the University may require it, but it is required more for technical education. Rupees 5,000, which were taken away from the University, have gone to the Victoria

Jubilee Technical Institute. I speak this in the presence of the honorary secretary of the Institute, my friend the Honourable Mr. Wadia. But Mr. Wadia himself will, I believe, bear me out in saying that the Institute could better spare Rs. 5,000 than the University. Now, on another occasion what are we told? We are told that the money would have been given to the University, but that it is required for primary education. I am not going to say a word against the encouragement that should be given to primary education. Enough has not yet been done for primary education; the Government should do much more still in this direction. But as I pointed out in another place, that is no reason for the policy of robbing Peter to pay Paul. In regard to the Provincial Contract, I would point out that during the last fifteen years, the Government have accumulated a large balance towards the end of each contract period. In one case, as I have said, there was a balance of 52 lakhs of rupees at the end of the Provincial Contract; in another case 40 lakhs of rupees, and an equal amount this time. I cannot understand why a small sum of Rs. 5,000, which is barely required for higher education, should be taken away particularly at this period. It is certainly saying something which would be only right and just if it was in the prosecution of a policy which aimed at the withdrawal of a practical Government aid and practical Government control. I hope that, under the enlightened Government of your Excellency, the policy of the Government to have a direct control and management of institutions for higher education will not be departed from. Even if the idea has been contemplated, I earnestly hope that it may not be undertaken in view of the respectful protest of the University Senate.

Now, this fact brings back to me what fell from my friend Mr. Dharamse about the Law School. The Government often admitted the necessity of making the Law School into a Law College with a permanent Principal,

but up to the present moment absolutely nothing has been done in this direction. The Government of Madras give something like Rs. 45,000 for their Law College, and although the Bombay Government have again admitted the necessity for such an institution, yet they have done absolutely nothing for the purposes of carrying it out. I think that the financial position will not permit of effecting the necessary reform. As it is not on account of the want of funds that the school has not been transformed into a college, people begin to suspect that it has not been done owing to the Government policy of remaining aloof from higher education.

Then I come to the case of the Gujarat College. I remember my honourable friend Mr. Kirkham's remarks as to what I said about the Gujarat College last year. I had no opportunity of replying to him at the time. I confess that, knowing all his liberal tendencies, I was surprised to hear him say that 'if it were made into a full Government college, it would increase the cost very much.' I do not think he has read what I pointed out the year previous. He will remember that the college possesses an endowment of $2\frac{1}{2}$ lakhs of rupees, which brings an annual revenue of Rs. 10,000. The Municipality contributes Rs. 3,000, while Government contributes another Rs. 10,000. It is, therefore, clear that very much more will not certainly be required for making it a full Government college. I think that Government can, with very small expenditure, bring this institution into a position of greater usefulness than it has admittedly been in for the last seven years. Mr. Kirkham says that it may be so, but it will be a retrograde policy which was opposed to the recommendation of the Education Commission. I repeat that the report of the Education Commission was not in any way against the reform that I am advocating. Gujarat is entitled to have, just as the Deccan has, a full Government college of its own. The people of Gujarat have done their best to discharge their duty by establishing a college, which is managed under

the supervision and control of a board of management. Still it has proved to be a failure. The Principal has again and again stated that, owing to want of funds, the prosperity of the college is marred. Under the circumstances, the recommendation of the Education Commission can be applied to it. The policy of the withdrawal of the direct Government control ought not to be carried out. Another objection brought forward by my honourable friend was as to whether the people had asked for it. This has already received a reply, because when his Excellency the Governor visited Ahmedabad in February last, the Municipality in their address of welcome earnestly asked his Excellency to take the institution in their own charge and to make it a full Government college.

With these remarks I will now pass on to say only one word about another useful institution founded for higher education. It has received sympathy and support, and I hope it will secure still further support from your Excellency's Government. I mean the Fergusson College. It is a college which specially deserves the sympathy and support of the Government. It is the only indigenous college in the Presidency, and has been brought into existence by the enterprise of the people in a manner which reflects the greatest credit on its pioneers. I hope your Excellency will see your way to increase the grant and to make it to something approaching nearer the amount given to other aided institutions, *viz.*, Rs. 10,000.

There is only one other subject which I as a representative of the Municipal Corporation wish to touch upon. I sincerely thank your Excellency for the great interest which your Excellency personally takes in regard to primary education in Bombay as shown by visiting the schools and seeing for yourself the want there is for proper accommodation. I sincerely thank your Excellency for the liberal grant-in-aid which your Excellency has made to the Corporation for the purpose

of building school houses. Your Excellency will, however, allow me to express the little regret which your Excellency's letter has caused in that it holds out no hopes for future favours of the kind. I am very sorry for this, and venture to once more point out in the presence of my honourable friend Mr. Kirkham that Bombay has special claims in regard to the primary education of the city. I know what my honourable friend Mr. Kirkham has always argued. It is the old hobby-horse which he trotted out in the Corporation Hall in 1891.

The Honourable Mr. Kirkham :—Long before that.

The Honourable Mr. Mehta :—No, not this particular instance. This particular thing I am speaking of took place in 1891, when my friend brought forward an amendment to the effect that Bombay did not deserve the support of the Government and that it had received more favours than the rural and urban areas of the mofussil. I am surprised that my honourable friend should have trotted out that old hobby-horse. (Laughter.) He knows what happened when he made this performance in 1891. I think he remembers how he brought forward the proposal and how he could get no support from the Corporation—not only from those members who were elected by the justices and the rate-payers, but also from Government nominees. After five minutes had passed one member only came forward to his help by formally seconding the amendment simply with a view to enable discussion. Before 1888, when the Municipal Act was passed, primary education was in the hands of Government, a fact which I hope Mr. Kirkham will comprehend. The Corporation only made voluntary and discretionary contributions. My honourable friend perhaps is not aware that before the Act was passed by the legislature there was no statutory obligation on the Corporation for years together to do anything for primary education. I do not know in whose hands it was in those days in Mr. Kirkham's view. The state of affairs having been brought to the notice of

Government an Act was passed. I think it was Mr. Scoble's Act, which did not compel the Municipality to contribute towards primary education, but it was at liberty to make voluntary contributions. Ever since that time the Bombay Municipality voluntarily paid whatever sum the Director of Public Instruction demanded. In all these years the care of primary education was in the hands of Government. I hope that my friend will not now trot out his hobby-horse. He has said that it was in the hands of a body called the Presidency Educational Local Fund. But the Fund when stripped of all its disguises turned out to be nobody else but Government itself. During the time the Government had this duty devolving on them, they spent only a very small sum on primary education. They never made any building grant. My friend has asked for the return which has been laid on the table, but what does that return show? It shows that Bombay had a perfect blank up to 1888 in regard to a building grant. Where does the credit of this blank lie? It lies in the fact that Government never made a building grant when the schools were in their charge, although they were making such grants in the mofussil. Therefore I submit that the City of Bombay deserves a large share of the support of Government for school buildings, which, had the Government done their duty, would have existed at the present moment in the city. I do not think that there would be anything wrong in asking Government to make continuous grants to build houses for schools that will be a credit to your Lordship's administration. It would be no injustice to the rest of the Presidency to make continuous grants, since the Government has up till now done nothing for school houses. The letter of your Excellency's Government was disappointing in this respect. But it was disappointing in another respect also. With all respect to your Lordship, I may compare the Bombay Government to the Marquis of Salisbury, as described by the Earl of Rosebery when the debate on

the Suakim expedition took place in the House of Lords. The Earl of Rosebery pointed out that the Marquis had an agreeable manner of bringing about agreeable surprises when he rose to speak. In the same way I say that the Bombay Government has an agreeable way of bringing agreeable surprises to the Corporation. While making a grant of Rs. 50,000, the Government has made a statement at which I am intensely surprised. It struck me as curious when I read that the grant of Rs. 50,000 must be regarded as part of a maintenance grant for the year in consequence of which the Municipality will have to pay a much larger share of the cost. Nothing is more clear than the section of the Act to which the letter referred. It does not apply to building grants but only applies to ordinary items of maintenance. The grant allotted by Government for the building of the Bhuleshwar school was given without any condition being made as to its being considered a part of the maintenance grant. When we asked for a moiety of the charge, the Government never raised any objection. They never asked us to carry it to the maintenance grant of Rs. 25,000 which was made by Government in that year, and in which case we would have been obliged to contribute a larger sum.

The Honourable Mr. Kirkham.—That grant for the Bhuleshwar school has not yet been paid by Government to the credit of the School Fund. When it is paid the question will arise.

The Honourable Mr. Mehta.—Then this is another surprise (laughter). The school has been in existence.

The Honourable Mr. Kirkham.—The school is not yet built The grant has only been sanctioned.

The Honourable Mr. Mehta.—The Government has given it as a building grant.

The Honourable Mr. Kirkham.—Yes, but the grant has not yet been carried to the credit of the School Fund.

The Honourable Mr. Mehta.—I hope my honourable friend will read the section again. It is section 120.

The Honourable Mr. Kirkham.—I want you to read section 61 which lays down the general obligatory duty of the Corporation.

The Honourable Mr. Mehta.—My friend will see that there are three duties devolving on the Corporation in regard to primary education in section 61. They are maintaining, aiding and suitably accommodating schools. Now if you will look up section 120, you will find it stated that 'The portion of the municipal fund to be devoted to the purposes specified in clause (*q*) of section 61 shall be credited under a separate heading in the municipal accounts and shall be called "the school fund".' The Honourable Mr. Kirkham.—Then building grants are included in the School Fund.

His Excellency the President.—Order, order.

The Honourable Mr. Mehta.—The same section describes the School Fund as consisting among other things of 'every grant made by Government for the maintenance or aid of primary education.' Nothing is said there of building grants.

The Honourable Mr. Little.—Does maintaining include rent?

The Honourable Mr. Mehta.—It may. But no question arises as to payment of rent which may be paid out of the fund. Accommodating may include rent, but so far as building grants made by Government are concerned, they are not included in the fund. They are deliberately left out.

The Honourable Mr. Kirkham.—But how can you accommodate children without buildings? You cannot accommodate them without buildings.

His Excellency the President.—Please don't interrupt the honourable member.

The Honourable Mr. Mehta.—Quite true. But this School Fund is for other purposes as will be seen from this further quotation from section 120:—

'(*b*) The fees levied in schools wholly maintained at the cost of the School Fund;

(*c*) Such contribution from the general revenue of the Corporation as the Corporation shall from time to time determine, the same being not less, in each official year, than would be equal to double the Government grant for that year;

(*d*) The unexpended balances, if any, of the School Fund of the last preceding official year;

(*e*) All sums made over to the Corporation, by way of endowment or otherwise, for the promotion of primary education.'

The Honourable Mr. Mehta continued:—

We must remember that the Municipal Act was drafted by the Honourable Mr. Naylor, who must have had some object in leaving out the words 'accommodating school children' from section 120 under which the School Fund is described. The words could not have been accidentally and unintentionally left out, but they must have been deliberately omitted. The question does not, however, turn upon the consideration of the section.

If my honourable friend will persist in adhering to the interpretation and thinks that he is aiding the cause of mofussil schools thereby, he will be greatly disappointed. What will be the result? The result will be that the Corporation will refuse to build a single school house and will satisfy itself by renting houses for the purpose. The Corporation might say that 'the unjust interpretation of the Act has taken us by surprise, and so long as that is so, we shall not go in for the construction of school buildings in the city.' They are ready to do everything in their power to put the schools on a proper footing. But it should be remembered that they bear heavy burdens and have special claims on the sympathy of Government. They have to see, in justice to the rate-payers whose money they hold in trust, that the tax-payers are not benefited at their expense. The Corporation will not do (what they otherwise would) anything of the sort unless they are met in a spirit of equal 'give and take.' It will be a very bad thing, indeed, if Government put that

interpretation upon the subject and adhere to it. It was certainly not contemplated by any of the parties who drew up the Act. Bombay has special claims on the sympathy and support of Government in regard to primary education, and I hope that your Excellency may find it possible to revise the prospects which have been held out in the letter. We must build airy school houses for primary schools. These are the only remarks which I venture to lay before your Excellency's Council, and I must thank the Council for listening to a very lengthy speech on the subjects which interest me specially and therefore I am inclined to think are equally interesting to others. I apologise for the lengthy remarks I have made.

BRITISH INDIANS IN SOUTH AFRICA.

[*The following communication was addressed to the Secretary of State for India, Lord George Hamilton, M.P., by the Hon'ble Mr. Pherozeshah M. Mehta, C. I. E., as Chairman of a public meeting held at Bombay on the 26th September of 1896.*]

Right Honourable Sir,—The following Resolution was unanimously adopted at a public meeting of the citizens of Bombay, held under the auspices of the Bombay Presidency Association, in the Framjee Cowasjee Institute, on the 26th day of September 1896 :—

This meeting resolves that the Chairman be authorised to address her Majesty's Secretary of State for India, soliciting his attention to the hardships and disabilities under which her Majesty's Indian subjects in South Africa are at present suffering, as set forth in the various memorials presented on their behalf and imploring him to take suitable measures for their redress.

In accordance with the above Resolution, I beg respectfully to submit the following for your consideration.

From the various memorials and pamphlets distributed and the address delivered at the meeting, it appears that throughout South Africa the Indian British subjects of her Majesty labour under grievances of two kinds, *viz.*, (*a*) those due to the ill-feeling exhibited by the European colonists towards the Indians, and (*b*) those due to law.

Owing to the grievances of the first kind, it seems that the Indians cannot travel on the railways or tramways without frequent molestation throughout South Africa, and the South African Republic has even passed a law making it illegal for any coloured person to travel first or second class in the Netherlands carriages. The instances cited in one of the pamphlets distributed at the meeting, copy of which I have the honour to enclose for your perusal (Enclosure A)*, if true, certainly disclose a very regrettable state of things in South Africa. They may be pushed off the foot-paths, and they cannot use the public baths. The Government schools, according

* The Enclosures are not reproduced in this collection.

to the speaker* at the meeting, are not open to the Indians. Altogether, the Indian is a hated being throughout South Africa; he is shunned as a pariah. Every Indian is a coolie without distinction.

A perusal of the address—copy of which is also herewith enclosed (Enclosure B)—and pamphlets, in my humble opinion, make out a very good *prima facie* case for a State inquiry. It is, of course, true that the intervention of her Majesty's Government with respect to such grievances can only be indirect and slow. But an expression of an emphatic opinion may do much to allay the unreasonably strong feeling that seems undoubtedly to exist in South Africa towards the Indians.

I beg to take the liberty to quote a very apt suggestion made by the London *Times* in a leading article dated the 31st August 1895, which, after expressing its sympathy towards the Indians in South Africa, thus concludes :—

> The steady growth of the population of India is such that a certain outward movement is inevitable and it is a movement that will increase. It is very desirable that our white fellow-subjects in Africa should understand that there will in all probability be this current flowing from India, that it is perfectly within the right of the British Indian to seek his subsistence at the Cape, and that he ought, in the common interest of the Empire, to be well treated when he comes there. It is, indeed, to be feared that the ordinary colonist wherever settled thinks much more of his immediate interests than of those of the great Empire which protects him, and he has some difficulty in recognising a fellow-subject in the Hindu or the Parsee. The duty of the Colonial Office is to enlighten him and to see that fair treatment is extended to British subjects of whatever colour.

Before quitting this portion of my letter I beg to quote a few extracts from the *Times of India* which seem to corroborate the story of the grievances unfolded in the in the address and the pamphlets referred to above. In the course of a leading article on the Indian question in Africa dated the 27th August 1894, that journal observes :

> It will strike most people in this country and at home, too, we hope, as a singularly narrow-minded and unconstitutional act of policy on the part of the legislature of Natal to lend—for that is what it practically comes to—their countenance and sympathy to the European colonists

* Mr. M. K. Gandhi.

there in their cruel and persistent persecution of the large body of natives of India. They have been wantonly assaulted in the streets and been unable to obtain redress in the courts. They have been robbed and outraged and reviled for presuming to exist at all . . . and they have been persistently denied the status of citizens.

The following occurs in a contribution from the *Times'* own correspondent in its weekly issue, dated the 19th September 1896 :—

The European population of Durban numbers some 16,000, being exactly equal to the black population, of whom the majority are Indians, *called here without distinction* '*coolies*,' and hence giving great offence to the better classes of Memon and Khoja traders of Bombay. The colonial distinction between black and white runs in Natal to a great height, and grievous and sore are the consequences therefrom to the weaker party—the blacks, or rather the Indians . . . . . I am told that a coolie may be kicked or flogged . . . . .

The various states in South Africa in one way or another have countenanced and encouraged this bitter feeling by passing legislative enactments to suit the fancy of European colonists.

Natal has been the most active of late in passing such legislation. The Indian memorial (Enclosure C) with respect to the Franchise Act of 1896 of the Natal Parliament is, it appears, still under consideration by her Majesty's Government. The memorial against the first Franchise Bill, now happily repealed owing to the firm attitude taken up by her Majesty's Government, and the memorial just now referred to, seem conclusively to establish that the real object of such legislation is not to protect against future preponderance of the Indian over the European vote, but to degrade the Indians, so that it may not be worth the while of a respectable Indian trader to seek his livelihood in Natal under the circumstances, and in view of the fact that the present Bill is also a piece of class legislation, it is difficult to understand what induced the Right Honourable Mr. Chamberlain to approve of the terms of the Bill which, it appears from the papers published in the Natal *Government Gazette*, was submitted to him for approval by the Ministers of Natal before being introduced into the Local Parliament. The arguments and facts brought forward in the Indian memorial, I ven-

ture to trust, will enable the right honourable gentleman to reconsider his views, and save the Indian community in Natal from much future trouble and vexation. It cannot, I humbly think, be disputed that the Bill has been made purposely ambiguous, and leaves loopholes for endless litigation and agitation—a thing to be discountenanced in the interests of all the communities residing in Natal. The contention of the memorial, that if it is at all desirable to restrict the Indian Franchise, the object can be gained without resort to class legislation of so doubtful a nature as the present Bill, by imposing a reasonable educational test or increasing the property qualification with respect to all classes of voters, seems to be very just, and I beg to commend it to your earnest consideration. The opinion of the *Natal Mercury*, the Government organ in Natal, cited to establish the justness of the prayer, should not a little influence the decision of her Majesty's Government in the matter. Looked at from the standpoint of the Indians in Natal, there cannot, I venture to think, be two opinions as to the fate of the measure.

I regret very much to notice from the Natal papers that the Natal Immigration Law Amendment Bill has received the royal sanction, and that it came into force as from the 18th day of August 1896. The decision on that question is a sad blow to Indian enterprise, and an encouragement to the colonists to still further prosecute their war of opposition against the Indians. It is wholly unexpected in that Natal is the first colony to receive such favourable terms in spite of strenuous opposition on behalf of the Indians concerned. It is difficult to conceive any reason to justify a measure which, according to the extracts given in the Indian petition, was only ten years ago universally condemned by the most eminent Natalians, including the present Attorney-General of Natal. The reasons publicly given to justify the measure are too selfish to deserve consideration.

It is difficult not to sympathise with the statement of

the Indian memorialists that the Immigration Law Amendment Bill will frustrate the very object of emigration. A state which in the words of the London *Times* (13th September, 1896) 'comes perilously near to slavery,' *viz.*, perpetual indenture, cannot but degrade those labouring under that state.

Many of the eminent Natalians whom the memorialists quote seem to have agreed that it is better to stop further immigration than to pass a measure which to them seemed so utterly iniquitous (Enclosure D). And I feel constrained respectfully to urge that view for your serious consideration. The terms of indenture under the new Act are such that they will in no wise benefit the Indians, whether those serving under such a contract or whether those of their brethren in India relieved by them. I submit that the Indian Government are in no way bound to oblige the colonists of Natal without any corresponding advantage.

'The whole system of Indian immigration' says the London *Times*, 'under indentured service for periods of years is regulated by legislative precautions. Those precautions are based partly on the ground that the indentured labourer, notwithstanding explanations, often does not really apprehend the ultimate consequences of his contract, and partly with a view to prevent his contracted service being used as a preliminary for his permanent enslavement in a distant country.' The objects to be secured by such precautions are evidently frustrated by the amending Act. 'The Government of India,' continues the *Times*, 'has one simple remedy. It can suspend emigration to South Africa, as it has on previous occasions suspended such emigration to foreign possessions, until it obtains the necessary guarantees for the present well-being and future status of the immigrants. The Government of India may well shrink from inflicting such inconvenience and loss upon a friendly British possession. It is eminently a case for sensible and conciliatory action on both sides. But the Indian

Government may be forced to adopt measures in connection with the wider claim which is now being urged by every section of the Indian community, which has been explicitly acknowledged by her Majesty's Government at home—namely, the claim of the Indian races to trade and labour with the full status of British subjects throughout the British Empire and allied states.'

The system of passes and what is known as the 9 o'clock rule, whereby coloured people are required to produce passes if out after 9 p. m., are alluded to in the memorials and discussed at length in the pamphlets. They show a lamentable want of respect for the feeling of the Indian population, and the working of the law with regard thereto, if the facts quoted in the pamphlet (Enclosure A) be true, is far from satisfactory. I venture to feel sure that those disabilities are so serious that they will receive your very great consideration, which they deserve.

The Crown Colony of Zululand has gone further even than the self-governing colony of Natal in that the regulations for the township of Eshowe and Nondweni prevent the Indians from owning or acquiring property. The memorial about those disabilities is, I understand, still engaging attention, and I trust I need not doubt that in this case full justice will be speedily done to the Indians by the abrogation of the rules, so far as they impose restrictions on the freedom of the Indians to buy property. (Enclosure A.) I venture to submit that their existence on the statute book constitutes a blot on British justice and name, and they are there only because they were not brought to the notice of her Majesty's Government earlier. I am now referring to the Eshowe regulations which were passed some years ago.

While the Indians do not get everything they want or that might have been given them in the South African Republic, the very sympathetic dispatch from the Right Honourable Mr. Chamberlain leaves nothing to be

desired. I would however venture to remind her Majesty's Government of the promise made to make friendly representations to the Transvaal Government, and beseech that they may be of such a character as to gain their object. This is all the more necessary, in view of the fact that a departure from the strict meaning of the London Convention was assented to without the knowledge of the Indian Government and without the Indians affected thereby having a say in the matter.

There are other matters in reference to the Transvaal not covered by the dispatch. The pass and the 9 o'clock rules, its appears, exist in the Transvaal. The Indians there are by law prevented from travelling first or second class on the railways. These disabilities might be easily removed by a strong representation from her Majesty's Government. I venture to hope that the restriction of the meaning of the phrase 'the British subjects' occurring in the commando treaty which has been made the subject of an Indian memorial (Enclosure F) will not be assented to by her Majesty's Government. A footpath bye-law in Johannesburg, it seems, prevents Indians from walking on the footpaths.

The Orange Free State has made the 'British Indian' an impossibility, and according to the pamphlet hereinbefore referred to (Enclosure A), has driven away Indian traders without any compensation, causing to them a loss of nearly £9,000, and has passed laws preventing the Indians from settling in that Republic except under certain degrading conditions, and in any case making it illegal for an Indian to acquire landed property, to trade or farm. While it is true that her Majesty's Government cannot interfere with the Acts of the Free State Volksraad, it is, I submit, a question whether a friendly and allied State can shut its doors against any portion of her Majesty's subjects without just and good reasons.

The speaker at the meeting also drew attention to the East London Municipality Act recently passed by the Cape Parliament. It was not made clear whether the

Act has received the Royal assent. It gives power to the East London Municipality to frame bye-laws preventing Indians and other coloured people from walking on the footpaths, and living anywhere else except in specified locations.

All such legislation suggests one question, *viz.*, the question of the status of the British Indians outside British India. Her Majesty's gracious Proclamation of 1858 guarantees to the Indians equal rights with all other British subjects, and a dispatch from his Excellency the Right Honourable the Marquis of Ripon, while her Majesty's Principal Secretary of State for the Colonies, recognises that principle specially with regard to the Indians in Natal. It is evident that all the laws passed by the Colonial Legislatures and referred to above are in direct violation of the Proclamation and the terms of the said dispatch.

This, I submit, is pre-eminently an Imperial question. The British subject theory would be a mockery if her Majesty's Indian subjects cannot enjoy the ordinary rights of citizenship in her Majesty's dominions outside India or in allied states. If the Indian can be treated as he is being treated in South Africa, he ceases to be a British subject except in name. I appeal to her Majesty's Government to do away with such a glaring anomaly by once for all declaring class legislation of the description above mentioned illegal so far as the colonies are concerned.

I have not examined the causes that have led the various states to restrict the freedom of the Indians as the official reasons put forward by the other states are more or less the same as those advanced by the South African Republic, and as the Right Honourable Mr. Chamberlain's dispatch alluded to above does not attach any weight to those reasons, and practically accepts the statement made by the Indian memorialists that trade jealousy is the root of all the evil.

The London *Times* has eloquently pleaded the cause of

the British Indians in South Africa, and I shall venture to close this somewhat long letter by quoting a few extracts from the various articles devoted by that influential journal to the Indian question in South Africa.

Dealing generally with the question, it says in a leading article, dated the 31st August, 1895:

The incident is one of those which suggests wider questions than any that directly offer themselves for official replies. We are at the centre of a world-wide empire at a period when locomotion is easy and every day becoming easier both in time and cost; some portions of the empire are crowded, others are comparatively empty, and the flow from the congested to the under-peopled districts is continuous. What is to happen when subjects different in colour, religion and habits from ourselves or from the natives of a particular spot emigrate to that spot for their living? How are race prejudices and antipathies, the jealousies of trade, the fear of competition to be controlled? The answers of course must be by an intelligent policy at the Colonial Office.

Again, in another article, dated the 6th September 1895, the same journal proceeds:

The question with which Mr. Chamberlain was called upon to deal cannot be so easily reduced to concrete terms. On the one hand, he clearly laid down the principle of the equal rights and equal privileges of all British subjects in regard to redress from foreign states. It would, indeed, have been impossible to deny that principle. Our Indian subjects have been fighting the battles of Great Britain over half the Old World with a loyalty and courage which have won the admiration of all British men. The fighting reserve which Great Britain has in the Indian races adds greatly to her political influence and prestige, and it would be a violation of the British sense of justice to use the blood and the valour of these races in war, and yet to deny them the protection of the British name in the enterprises of peace. The Indian labourers and traders are slowly spreading across the earth from Central Asia to the Australian Colonies, and from the Straits Settlements to the Canary Islands. Wherever the Indian goes he is the same useful, well-doing man, law-abiding under whatever form of Government he may find himself, frugal in his wants and industrious in his habits. But these very virtues make him a formidable competitor in the labour markets to which he resorts. Although numbering in the aggregate some hundreds of thousands, the emigrant Indian labourers and small dealers have only recently appeared in foreign countries or British colonies in numbers sufficient to arouse jealousy and to expose them to political injustice. But the facts which we brought to notice in June, and which were urged on Mr. Chamberlain by a deputation of Indians last week, show that the necessity has now arisen for protecting the Indian labourer from such jealousy and for securing to him the same rights as other British subjects enjoy.

SPEECH ON THE FIRST READING OF THE BOMBAY CITY IMPROVEMENT BILL.

[*The Honourable Mr. Pherozeshah M. Mehta, C. I. E., made the following speech on the First Reading of the Bombay City Improvement Bill at a meeting of the Provincial Legislative Council held at Bombay on the 14th February 1898, Lord Sandhurst presiding.*]

Your Excellency,—While I am deeply sensible of the very kind reference your Excellency made to me in introducing the Bill, I am painfully conscious of my inability to deal with the measure, in consequence of the very short time I have had for considering the provisions of the Bill in detail. I know that on the occasion of the first reading of a Bill it is not usual to go very minutely into the details of the measure. All that is necessary to be done at the first reading is to see whether the Council considers that new legislation should be undertaken for the object in view. My Lord, I suppose that no Governor of Bombay has ever been called upon to deal with more serious or more grave crises than those which it has been your Excellency's lot to encounter during the period of your administration. I hope your Excellency will permit me, though rather late in the day, to say a word of thankfulness and appreciation for what has been admitted to be everywhere, not only in this Presidency but throughout India, the untiring energy and great sympathy with which your Lordship and the members of your Government have met the great and towering calamities which have been visiting this poor city, not only last year, but unfortunately this year also, when there is a recrudescence of plague of a very severe character. I hope you will also permit me to say that the inhabitants of Bombay cannot fail to appreciate the very kindly and sympathetic manner in which your Lordship has referred to the patience with which the suffering people of this poor city have met the dire misfortunes that have overtaken them for the last

two years. In this connection, though I should be the last person to make any claim to speak with authority on such points, I should like to bring to your Excellency's attention, and I hope I am not out of order in so doing, that while there is a great deal of quiet patience on the part of the people, there is a certain amount of unrest and distress in the community regarding plague regulations and specially the quarantine regulations. I confess I do not speak with any confidence or authority, as I have only been two days in Bombay; but there is a certain amount of pathos in the appeal which has been made in regard to these rules, and I am perfectly sure that if there is any just cause for complaint, the matter will be attended to by your Excellency's Government. If your Lordship's administration has been unfortunate in having to meet such dire calamities, I think every one will agree with what your Lordship has said, that these misfortunes may be turned to account if Bombay arises out of these calamities a lovelier and a more beautiful city than it has ever been in the past. Those who are resident in Bombay, both European and native, have come to love it with a very great love indeed, and we may be well assured that the present and future generations will be grateful to your Excellency's Government if, as a result of this calamity, we have a healthier and more beautiful city. The people of Bombay appreciate very cordially the sincerity and earnestness with which your Lordship has set about the great task you have undertaken—a task which may fairly be described as the entire reconstruction of the city upon sanitary lines.

The Bill which has been introduced for this purpose is certainly one of great magnitude, and though I speak with diffidence in this matter, I think it might perhaps have been the better course to have laid on the table, either concurrently with or before the introduction of the Bill, some general sketch of the detailed improvements and schemes which it may be necessary to enter upon in carrying out this work. I need not remind the Council that in the

case of the Glasgow Improvement Scheme the Bill which was brought before Parliament was accompanied by details of the scheme of proposed improvements, and we know the same thing is done in regard to other schemes of a like character brought before Parliament. The desirability of that procedure is this, that in that case you do not enter upon any scheme which may after all turn out to be of a speculative character. To a certain extent you know the liabilities which you are incurring. It may not be possible to say exactly the amount that is to be spent on these improvements, but certain definite lines can be given, within which the cost of the improvements will come. I can well understand that in view of the exceptional time through which we have been passing it has not been possible to have these details ready before the Bill was introduced, but I hope they may be given during the progress of the Bill, as it is a matter of importance that the rate-payers should have some knowledge of the financial responsibilities entailed by the Bill. It will be the duty of the Select Committee to see that some definite lines are drawn as to the financial burdens which will be cast through the Corporation upon the city. The Corporation in this matter is only the representative of the city, and it seems to me that a definite limit should be set to its financial liablility. It may be said that a line has been drawn under the provision which limits the payments to be made to 2 per cent. of the rateable value of lands and buildings in the city. That would have been a perfect answer to the objections raised, were it not for the clauses which come within what are termed the guarantee sections of the Bill. Though it is said in one part of the Bill that 2 per cent. is to be the contribution of the city to the improvements, it is provided in a later part of the Bill that whenever further moneys are required for the purposes of the Bill they must be provided. I say nothing in regard to the means to be employed. It is not the 'Bludgeon' part of the clauses to which I have to take objection; but what I should like to place

before the Council in regard to the clauses is this, that the guarantee renders it obligatory on the Corporation to provide additional funds if the 2 per cent. named in an earlier part of the Bill is not found sufficient. It seems to me that the limit of 2 per cent. is in reality swept away under the provisions of the guarantee section.

I do not intend to go into any detailed discussion of the Bill at the present moment, but I should like to make a few general remarks with regard to its principal provisions. Now in regard to the constitution of the Board, I do not agree with those who think that it is an attack upon the constitution of the Municipal Corporation. If we consider the present Municipal Act, we shall see that it has always contemplated that there would be special and exceptional occasions on which it might be deemed desirable not to entrust the direct work of carrying out certain duties to a body constituted as the Corporation is, but that it might be deemed necessary to delegate such tasks to a body composed somewhat differently to the Corporation. (Hear, hear.) I need refer to nothing more than to the provision deliberately introduced into the Act for the purpose of the appointment of the Joint Schools Committee.

When that section was passed it was felt that education was one subject for which it was necessary that separate provision should be made, and that instead of handing the direct work to the Corporation, it should be entrusted to a body appointed partly by the Corporation and partly by Government. Perhaps I should have preferred—and appearances in this world go very far—if this trust had been called by some name which might have brought it more in harmony with the nomenclature of committees such as were contemplated in the Act. The constitution of the new trust might have proceeded on somewhat similar lines as that of the Joint Schools Committee, and there is all the more reason for this, since a substantial portion of the revenue of the Committee comes from Government, while this will not be

the case in regard to the new trust to the same extent. But as your Lordship has pointed out, the Government of India and the Government of Bombay are going to treat the city with great liberality in the matter of the properties which it is proposed to assign to the trust, in regard to which I shall have something to say later on. While this liberality will be of assistance, the main responsibility of providing funds lies with the Corporation, and from that point of view it might have been desirable to have given the Board a constitution more like that of the Joint Schools Committee. However, in a matter of this importance, it is not worth while haggling about the exact form, if substantially and practically the same thing is proposed to be done in this Bill. But while I quite agree that no serious objection could be raised to the constitution of a separate Board, I must say that there are some sections of the Bill which seem calculated—to use the phrase of the Hon'ble Dr. Bhalchandra—to make the trust a department of Government. I do not say this is so, as I have only had time for a cursory examination of the Bill. But there appear to me to be certain sections which leave the final arbitrament of financial questions entirely in the hands of Government. Then also take, for instance, the Chairman of the proposed Board, who is to be an officer removable at the pleasure of Government and whose salary is to be fixed at any sum—it may be from Rs. 50 up to Rs. 5,000,—that Government may choose. Now, my Lord, I quite admit that the Chairman of the Board must be an officer of great experience and ability and he ought to be well paid. The task that will devolve upon him will be of an exceedingly onerous and responsible character, and the salary should, I am quite prepared to admit, be comparatively heavy. But I should like to have seen some indication in the Bill as to the exact status of the Chairman of the Board. As the Bill now stands, he is to be nominated at the pleasure of Government and removable at the pleasure of Government, and

his salary is to be fixed from time to time at the pleasure of Government. I hope the Select Committee will consider very carefully whether the entire power should be left indefinitely in the hands of Government as proposed in the Bill. Care should be taken not to make the Board a mere department of Government, and hence I raise this small voice of warning.

Something has been said by previous speakers as to the proposal to make the General Officer Commanding the District an *ex-officio* member of the Trust. While on the one side it may be said that such an officer may prove useful on the Board, it may be pointed out on the other side that as Government have power to nominate certain members, the General of the District might be one of those nominated members. Government will nominate those gentlemen whom they consider from their connection, position and experience as likely to render useful service on the Board. This being so, the necessity for making the General an *ex-officio* member passes away, as Government can at any time give the officer a seat on the Board.

I pass on, my Lord, to speak on the procedure which it is proposed the Board should adopt in undertaking its works. I have no doubt that the explanations we may have later on will remove many objections which arise on a cursory examination of the Bill. One thing that has struck me is, that I do not see a clear dividing line between what are called improvement schemes and street formation schemes. It seems to me that these things are very likely to run into one another. How they can be separated I do not see, because in an improvement scheme you will have to lay out roads just as well as in the street scheme. I am speaking with great diffidence, because there may be some explanation of the sharp division drawn in the Bill between the two things, but I do not at present see the sharp line that divides them. The distinction drawn between the two things seems only to be that in the case of an improve-

ment scheme a certain process must be gone through before the Board can undertake the work, but in regard to streets the Board can move of its own motion. I should like the Select Committee to consider whether it is wise that in the case of an improvement scheme the Board should only be able to proceed in the matter on the representation of the Municipal Commissioner and of certain other bodies and persons named in the sections. I make this remark because there are no two opinions in regard to this fact that there are certain portions of this city which imperatively require to be improved. No Municipal Commissioner is needed to instil that fact in the mind of any one in Bombay, no Health Officer or Justice of the Peace need tell you that. Why then, my Lord, should the Board have to wait for such a process to be gone through before improvements urgently needed are initiated? But this again is a matter with which the Select Committee will be able to deal.

With regard to the third object which is proposed by the Bill, I am not quite clear as to the necessity for including it in this measure. I have listened with very great attention to that part of your Lordship's speech which relates to the proposed reclamations of certain portions of the foreshore. I quite agree with your Lordship that we must not draw sweeping inferences from the unsuccessful character of the reclamation scheme of which many persons in Bombay had unfortunate experience in 1864. The circumstances of the Back Bay scheme of 1864 were such that you cannot draw general conclusions against reclamations from them. We know that some reclamation schemes have proved successful, while others have been unsuccessful. But the objection which presses upon my mind is that reclamation is not quite of the same urgency and the same essential character as the other improvement schemes provided for in this Bill. It would be a very good thing, I admit, for reclamations to be entered upon for the

purpose of enlarging the city. But the question is whether such a scheme stands upon the same footing of urgency and necessity as the rebuilding of the city, and whether it is desirable to cast the same heavy financial burden upon the rate-payers for reclamation as it is necessary to do upon improvement. The improvement scheme is absolutely essential for improving the healthy condition of the city; the laying out of new streets is absolutely necessary and the city must make up its mind to bear the financial burden involved. But, can the same thing be said in regard to the reclamation part of this measure? So far as the Bill is concerned the reclamations are to be put on the same footing as the other work to be entrusted to the Board. If there was some section of the Bill providing that reclamations could be undertaken afterwards, when the financial burdens have shown themselves to the full extent in regard to the other departments of the scheme, then my objection, as it seems to me at present, might reasonably be said not to apply. I would ask the Council to remember one thing: we have nothing before us in the way of estimates or figures or guarantees to show that reclamations might not prove to be after all of an extremely speculative and hazardous character. I trust that the Select Committee will give to the question the most careful and anxious consideration.

My Lord, I do not propose to trouble the Council with any lengthened remarks upon what my honourable friend Mr. Nugent (whose humour I always enjoy, though some of my native friends do not see the fun), would probably call the 'little bantling' of the Police Accommodation scheme. It is a question of detail which will best be settled in Select Committee. But one thing I failed to comprehend from the remarks of your Lordship is why under the Bill the Police buildings should revert to Government after a certain period. I fail to understand why those buildings should go back to Government. Of course Government will have in the first instance to

pay the amount required for rent and sinking, but they will recover it in the proportion of three to one from the Corporation. If the Corporation has thus to meet the greater portion of these charges, I fail to see why the police buildings should revert altogether to Government. I am not quite clear about this part of the Scheme, but I have no doubt that it will be explained, and light will be thrown upon it by Sir Charles Ollivant, who is unrivalled in his acquaintance with Municipal affairs, and to whom the city and the Corporation can look forward with confidence to guide the destinies of this Bill, for while on the one hand they are grateful to him for his able administration as Municipal Commissioner, on the other they have a sort of claim over him, as it was the city and the Corporation which gave him the opportunity of bringing out the great abilities for which he is distinguished.

With regard to the acquisition of properties required for the purposes of the Bill, I quite agree that there should be a more summary way than what the Land Acquisition Act provides for acquiring properties. So far as I can at present see, the sections dealing with the subject are well calculated to effect the acquisition in a more expeditious and reasonable way than might be found possible under the ordinary law.

In regard to the Government properties to be vested in the Trust, I am prepared to accept on faith what your Lordship has said about the liberality of the Government of India in making over large properties to the Board. I do not wish to speak in any carping spirit, but if your Lordship will permit me, I must make the confession that I am not quite clear regarding this liberality, because I fail to find that their being vested in the Trust will place the Government of India in a worse pecuniary position than it would otherwise occupy, though, as I have already said, I cannot speak with any confidence at the present moment upon details which I have not had time to consider. The liberality of the Government of India may be made clear to the Select Committee; at the present moment I am

not able to discover it. In connection with that point I should like to refer to the inclusion in the Schedule of Properties to be vested in the Trust by Government, of the Flats. I do not know whether, while I have been absent from Bombay, your Lordship's Government have sent any reply to the representation which the Corporation made upon the subject of the ownership of the Flats, but I trust that Government will not forget the claim to the property that has been put forward by the Corporation. Its inclusion in the list of Government properties may be supposed to give legislative sanction to the absolute right of Government to the property regardless of the equitable claim of the Corporation. I venture very submissively to think that the Corporation have made out a very strong case for making over the Flats to the city.

As to the values of the properties handed over to the Trust by Government, it may be, as your Lordship has put it, that they are nominal; but I may be allowed to remark that when the owner of a property puts his own figures as to its value, this is not apt to inspire any confidence, although the figures may be very moderate. I am not in a position to say that the Scheduled values are exaggerated, or are not well within the mark; but after all we have here the figures put down by the very authorities to whom the properties belong. I trust, therefore, that in the Select Committee we shall be informed as to the way these valuations have been arrived at, and I do hope that the figures will not be taken as having been sanctioned by the Legislature in passing this Bill. One of the most important parts of the Bill is that which deals with the liabilities and the settlement of accounts. I confess that I am not quite able to comprehend them, but have no doubt the Chairman of the Select Committee will place before us some lucid and clear tabular statement as to how the provisions of these sections will work out. At present the impression is left on one's mind that when the Act is passed and we come to all the claims in

respect to capital and interest and sinking funds, the Corporation may find themselves in none the best position in this matter. I will not attempt to dive further into the mysteries of these sections, but it may be just possible that some of the sections may require re-drafting. Nothing is more important and more valuable than to give the financial sections of the Bill as clear a wording as possible so as to remove all doubts and ambiguities. So far as human intelligence and ingenuity can do it, no room should be left for doubts to arise hereafter as to the meaning of the legislation, and, as your Lordship is aware, there are no questions which give rise more constantly to bitter controversy than financial questions. We know perfectly well that this Government cannot enter into large financial liabilities without the sanction of the Government of India, we know that there is frequent discussion between the two Governments on financial questions, and that the Government of India say that when they are resisting what appear equitable claims they are fighting for the interests of the general tax-payer as against the local tax-payer. In the same way, when there is difference of opinion on financial questions between the Government of Bombay and the Corporation, the Corporation are supposed to be fighting in the interest of the rate-payers of the city, while Government assume the role of protecting the interests of the general tax-payer. Experience shows that interminable friction thus arises, and this being so, there is nothing more important than to frame legislation on financial subjects in as clear a way as possible. Now it seems to me that although the limit of 2 per cent. is named in the Bill, the liability of the Corporation is substantially and practically of an indefinite character, seeing that in the guarantee clauses it is incumbent on the Corporation to provide further funds, should they be required. One remark of your Lordship's has made me the more anxious on this point. Your Lordship has said there may be years in which it may be necessary to have larger

funds in hand than the 2 per cent., which means that the Corporation may have a very much larger amount than 2 per cent. to find.

The Honourable Mr. Hughes.—I should like to explain, your Excellency, that in that case the debt would be charged to capital, and the Corporation would not have more than the ordinary amount to pay.

The Honourable Mr. Mehta.—If this is the case there is no necessity to make provision for the additional funds referred to in the guarantee clauses; however, I suppose some detailed explanation is to be forthcoming. I listened very carefully to what your Lordship said on this part of the Bill, and I must say that I failed to be convinced by what fell from your Lordship as to the impossibility of either the Government of India or of the Government of Bombay standing guarantee for the liabilities of the city under the Bill. After all, what is the position? You put a burden on the Corporation and the Corporation is bound, by raising additional taxation, if necessary, to provide these funds. This being so, where would the risk be in a Government of India guarantee? The Government of India could, if need be, pass legislation, compelling the rate-payers of the city to raise the moneys required which Government had guaranteed. Thus there could really be no risk whatever to the Government in giving the guarantee; the money could always be recovered from the same source from which the Corporation will be required to raise the 2 per cent. Government would stand absolutely no risk of losing one pice of their money. Then look at the advantage of a guarantee of that character. It seems to me that if the loan was guaranteed by the Government of India in the first instance, the Local Government would have to look carefully at the proceedings of the Board, and practically it would mean that a limit would be fixed which it would be very difficult for the Trust to pass. I think the advantage we should get in that respect would be almost incalculable. A great deal has been said in regard to the success of the Port Trust,

and while I am aware that you cannot draw deductions from the success of that body in regard to similar bodies created for other purposes and in other times, I would point out that one reason why the Trust has been successful, in addition to its great good fortune in securing exceptionally able men at the head of its administration, has been that Government has stood guarantee for some of its loans.

The Honourable Mr. Hughes.—Not the debenture loans.

The Honourable Mr. Mehta :—For my part I cannot see the insuperable difficulty in the way of a Government guarantee. There was a time when Government never allowed Municipal bodies to borrow money except from themselves. The clauses in regard to the borrowing powers of the Trust provide that loans may be obtained from the Government of India and the Secretary of State as well as from the general public. Well, in that case, does it not come to the same thing as Government standing guarantee for the recovery of the money? Whether they lend the money or guarantee the loans it is the ratepayers who, under every conceivable circumstance, will have to pay the interest and repay the loans. In either case Government will look to the credit and resources of the city for repayment. I trust that these sections will receive very careful and anxious scrutiny from the Select Committee. It may be I am taking a much too hopeful view of the possibility of alteration. I know how strictly limited we are by the Olympian authorities who look upon these matters in a particular way. It will be difficult, I know, to move them in the direction I have indicated. But I still think it is worth the effort, in view of the great advantage to be derived from such a guarantee, to see if something cannot be done to win over the Government of India through the kind offices of your Lordship's Government to modify the guarantee clauses and relax their stringency.

I do not think I can usefully refer at this stage of the Bill to other sections. I would in conclusion only echo the sentiments with which your Lordship concluded your speech, that the scheme may be the foundation for the reconstruction of the city in a way for which future generations will be grateful to a Government which has the boldness and the statesmanship, as one of my colleagues remarked, to undertake the work; to the Municipality which will have to bear the present burden of the cost; and to the rate-payers of the present generation, who, while they may desire certain provisions to be altered so as to make the burden no heavier than necessary, are willing that the scheme should be undertaken, for co-operating in carrying out a measure of this essential and important character. (Hear, hear.)

SPEECH ON THE SECOND READING OF THE BOMBAY DISTRICT POLICE BILL.

[*The following Speech was delivered by the Hon'ble Mr. Pherozeshah M. Mehta, C. I. E., on the Second Reading of the Bombay District Police Bill at a meeting of the Provincial Legislative Council held at Bombay on the 15th February 1898.*]

Your Excellency,—I should like to say a word as to the reasons why I do not take part in the discussion on the various amendments proposed by my honourable colleagues. I presume they expect me to do so, knowing the views I hold on this subject. I have refrained from joining in the discussion for two reasons. In the first place I feel like an extinct volcano. I exhausted myself of everything I could say on the questions involved in this Bill in the Viceroy's Council in the debate on the Bill to amend the Police Act of 1861. We were successful in getting some of the most obnoxious features of that Bill removed; others remained and they now constitute Act VIII of 1895. That brings me to the second reason for my silence. I am unable to take this present debate very seriously. The sections about which my honourable colleagues are fighting are mostly all contained in the Police Amendment Act of 1895. Section 15 of that Act provides that the whole or any part of that Act may be extended to any Presidency by a Notification of the Governor-General in Council. Supposing for a moment, a most wild supposition, that my honourable colleagues succeeded in having this Bill rejected, it would be only necessary to issue a notification under the section I have mentioned, and all the provisions of the present Bill would be forthwith law and take effect in this Presidency. My honourable friend Mr. Garud has the sanguine temperament of youth; he seems to have great faith in arguments, and long arguments. He will come in time to have more faith in the potency of votes than that of arguments.

SPEECH ON THE SECOND READING OF THE BOMBAY CITY IMPROVEMENT BILL.

[*The following speech was delivered by the Honourable Mr. Pherozeshah M. Mehta, C.I.E., on the Second Reading of the Bombay City Improvement Bill at a meeting of the Provincial Legislative Council, held at Bombay, on the 28th March 1898, Lord Sandhurst presiding.*]

Your Excellency,—The Bill before the Council involves operations and transactions of such serious magnitude, and is pregnant with possibilities of such far-reaching and momentous consequences to the welfare, progress and development of the city that I do not think any apology is needed for venturing to take up the time of the Council with observations on its objects and reasons, its principles and main features. My Lord, this Bill may be said to raise the curtain on the Fourth Act of the drama of the local administration of the city. The First Act closed with the passing of Act II of 1865. Up till then the management of local affairs was carried on under the direct control or supervision of Government assisted by small boards composed mainly of Government officers, a state of things for which even now many people sigh, as in all ages people have sighed for a golden age which exists only in imagination inflamed by prejudice and for which there is no warrant in history. The system ended in gross financial mismanagement and at the end of 1864 in disastrous failure ; and so grave was the condition of the city in point of health and sanitation that Government felt the necessity of a more organized effort, and Act II of 1865 placed the Municipal affairs of the city in the hands of a Government official called the Municipal Commissioner, assisted and controlled by the Bench of Justices, who were to have the power of the purse by controlling the annual Budget. Another experiment still fondly cherished by some people had thus its day. The result was that the Municipal Com-

missioner went his way regardless of the Bench, and six years of the Arthur Crawford regime ended in financial ruin, though not unrelieved by marked improvement in the sanitary conservancy of the city. I do not know if there is any honourable member at this board who remembers the sensation that was created in this very Durbar room when Mr. Hamilton Maxwell, the chairman of the Finance Committee, announced that the Municipality was bankrupt. The curtain then rose on the third Act of the drama, and the legislation of 1872 inaugurated the system of an elected Corporation, a Town Council and an Executive Commissioner, a system which I had some little hand in suggesting, and which exists up to the present day. The Act of 1872 was appointed, so to say, only on probation ; it was confirmed in 1878, and was improved and enlarged on the same lines in 1888, Act III of which year is the Act which now governs the Municipal administration of the city. Almost exactly ten years after the present Act in force was finally considered in this Council, the curtain now rises upon the opening of the Fourth Act.

The question naturally arises why this further unfolding of the drama has become necessary. Is it because the progress of the third Act has landed us in as abortive a result or as dismal a failure as in the periods before and after 1865?

For sometime it has been dinned passionately in our ears that the legislation of 1888 has proved as faulty and imperfect as the corporate body to which it entrusted large powers and resources has been found grossly and shamefully unequal to its task. Now, my Lord, is there any truth in this indictment? The most serious fault found with the Act relates to the restriction contained in section 348, by which certain provisions for sanitary structure were confined to sites previously unbuilt upon, and to absence of measures for preventing over-crowding. But the reasons for restricting section 348—which was amended at the

instance of one of the most thoughtful and enlightened members this Council ever had—have not been understood. To have applied the new provisions for structure in section 348 to sites previously built upon would have prevented hundreds of house-owners from rebuilding their houses up to the very last moment, and the city would have had a far larger number of old dilapidated and patched up houses against houses improved up to a certain extent by rebuilding, though not in the best manner possible. As to over-crowding the Act has provided in section 378 ample powers for dealing with buildings unfit for human habitation, and in section 379 with the evils and dangers of over-crowded dwellings. But then it is said that if these sections were not properly worked, it only proves again the gross incompetence and apathy of the Corporation. People who talk like this show that they have never studied the legislation which they criticise. The working of Sections 378 and 379 is not vested in the Corporation but has been deliberately left to the independent responsibility of the Commissioner with the help of courts of law. I was sorry to see the other day, a late Municipal Commissioner, in the debate on Mr. Birdwood's interesting and excellent paper on the plague in Bombay, inveigh against the Corporation for dilatory and unenlightened action in the matter of drainage and house-connection. Now what are the facts? The Corporation yielded only too easily to the introduction of systems of drainage and house-connection, accepting the opinion of experts against its own misgivings as to how far the systems had been made suitable to tropical conditions and the habits of the people. In the debate to which I have referred, Mr. Baldwin Latham, who was engaged to report on our system, confesses that 'he knew Bombay very well, having carefully examined every portion of it, and he must say it was a misfortune that the early sanitary works there were not designed in a better way. European rules had been applied to Indian towns which, in his judgment, having

regard to certain circumstances connected with the population, were not sufficient for the purpose.' It is in this non-adaptability of European expert knowledge that the explanation of the much-abused action of the Corporation lies. The case of house-connections is in point. The system based on European precedents hastily introduced had to be ultimately revised, and the Corporation acted wisely and not obstructively in insisting upon such revision and in compelling Mr. Acworth to submit to it. In the same way, there is an outcry about neglect of sub-soil drainage. It is curious that Mr. Cassels, who steered the Act of 1865 through the Council, then made the same complaint against a similar extravagant waste of Vehar water as is now made against Vehar, Tulsi and Tansa combined, and the increase of malignant fever in the town in consequence. Well, Bombay proved a pretty healthy town for several years after the waste of Vehar water was allowed to run riot. But here again a remarkable fact is oozing out. It is said that a small sub-committee appointed recently of three of the best European experts and one native expert in Bombay to investigate the subject, is finding from the experiments carried out by it that the level of sub-soil water in the city is lower instead of being higher than before. I do not refer to this for the purpose of recommending or justifying any inaction in dealing with sub-soil drainage.

I only want to show that the grave problems that come before the Corporation present difficulties and complications which demand careful and cautious consideration. The truth is that, as your Lordship has gracefully testified in your letter to that body, the Corporation has done useful and valuable work in a variety of directions during the 25 years that have elapsed since the Act of 1872 inaugurated local self-government in this city. The present Bill has become necessary, not because there has been any failure in its work or the performance of its duties, but because a time has now come in the development of this city as in the case of all other great cities which,

growing up unmethodically at haphazard, have suddenly found themselves outgrowing their capacities and their requirements. Though the great fire of London of 1667 gave it a splendid opportunity of getting rid of its wooden houses and its narrow alleys, even so recently as 1890, when it amended and consolidated the Acts for housing the working classes, there were 300,000 inhabitants living in slums in a condition which Professor Huxley declared to be inferior to that of West African savages, and it was generally admitted that 'the dens inhabited by the poorer section of the working classes dwelling in London were a disgrace to humanity and a dishonour to that enlightened and opulent city.' The condition of a great portion of Paris was not much better till half of it was rebuilt by Baron Hausmann so recently as the time of the third Napoleon. We have now to do for Bombay the work which was done in these and other great cities of civilised Europe none too early. In London the great fire, in Paris the exigencies of an Imperial regime, in Lisbon the great earthquake, supplied the great propelling force. We are set in motion by the dire pestilence that is so mercilessly ravaging the city. Your Excellency's Government deserves no little credit for seizing the right psychological moment with promptitude and thoroughness by bringing in the Bill now before the Council. I have said, my Lord, that it is a measure of grave magnitude, I may add that it is not a little bold and ambitious in its procedure. I refer to this feature not to discredit it, but to point out the necessity of safeguarding its enterprise as carefully as possible. At the first reading of the Bill I referred to the Glasgow Improvement Trust Acts, which embodied full plans and details of the improvements contemplated. But it was pointed out that the present Bill was modelled on the Statute of 1890 for the housing of the working classes, and that that Act left the areas of improvement and reconstruction to be settled afterwards. But it must be remembered that under the Statute of 1890 no improve-

ment scheme, even after being sanctioned upon an official representation by a Secretary of State or the Local Government Board, could be carried out without a special confirming Act of Parliament, so that each scheme had to prepare its full plans and details and estimates before the Legislature allowed it to be carried out. In this Bill there is no such safeguard provided, and it is therefore most essential to see that the constitution of the new Board to be created is such as to guard against recklessness and to devise limitations of its powers and resources so as to provide against extravagant and ambitious expenditure.

I ventured to state at the first reading the view I took of the constitution of the new Trust. To my mind it approximates substantially with the Joint Committee contemplated by the Municipal Act for special work. I should have wished that in view of the fact that the Corporation will raise and supply the greater portion of the funds required, they had a larger representation on the Board. The Bill as amended in Select Committee reduces its comparative representation lower than in the original Bill, and I shall move an amendment to rectify that state of things as far as possible. The main objects of the Bill are to improve and reconstruct unhealthy areas, to open up the city by forming new streets, and to provide dwellings for the poorer classes. Reclamation, I am assured and understand, is not one of the principal objects, but it is introduced with the view of supplementing the resources for carrying them out. But the sanction for a reclamation scheme stands in an essentially different position from the sanction to an improvement scheme. With regard to the latter, Government occupies the position of a disinterested party; with regard to a reclamation scheme it is a directly interested party. It gains by the success of a reclamation scheme: it loses nothing by its failure, and may even gain something. Under these circumstances some provision should be devised for saving Government from marring its reputa-

tion for justice and infallibility in an uncautious moment. I propose to suggest an amendment for that purpose. With regard to the provisions for initiating schemes for the improvement of unhealthy areas and for the formation of new streets, they seem to me to be practically sufficient and satisfactory with the addition of the Corporation in the list of moving authorities. They are borrowed and closely adopted with necessary changes from the corresponding sections of the English Act of 1890 for the housing of the working classes. The Select Committee has amended this part of the Bill by giving the Corporation a direct opportunity of considering and criticising every improvement and reclamation scheme. I trust that the Corporation will view this as one of their most important functions and fully utilise the opportunity of carefully studying and commenting upon every scheme, with the aid of a strong expert committee. The inclusion of police accommodation schemes seems at first sight to be somewhat outside the main object of the Bill. But I cannot think that there is serious objection to entrusting the Board with the work of housing the police, for it cannot be denied that it would be a great advantage to the city to have the rank and file of the police located and housed in proper quarters. The money required for it could be raised by a loan which would be paid off by a rental based upon the amount of interest and sinking fund. With the addition of the clause for vesting the police buildings which might be thus constructed in the Corporation, the interests of that body are well safeguarded. It will have secured substantial buildings for the city for the small addition to the rental in the shape of sinking fund instalments for a period of 60 years.

We now come to the resources placed at the disposal of the Board. For a long time it cannot hope to meet the interest on the loans required for carrying out its work from the returns of its own operations. As Bombay is a city in which many imperial interests are centered,

it is only just and right that the necessary funds to meet the deficiency should be contributed from the imperial as well as the local exchequer. This principle is recognized in the Bill; but I cannot help saying that the division of the burden is not what it ought to be. The share of Government is principally confined to the income which the Board might make from the rental of certain Government properties for 99 years after paying them interest at 3 per cent. on their values. These are principally properties which ought always to have belonged to the city as soon as local burdens were placed upon it. It is too late in the day, however, to make a claim based simply on bare equity and justice not clothed in legal garb. But with regard to certain properties, I cannot help saying that the Government might have shown greater liberality. I refer to the Kennedy Sea-face and Chaupati properties, aggregating a valuation of nearly two lakhs. I do not know if many members of this Council are aware of the history of the acquisition of these properties by Government. Both these properties were acquired by Government from the wreckage of the famous Back Bay Reclamation Company without the expenditure of a single rupee, while they cost the unhappy share-holders of this city over eighty lakhs of rupees. The right to reclaim the foreshore was given to the company on condition of its giving Government about 400 acres out of the reclaimed land. After sinking an enormous capital the company found it impossible to carry out their project, but there was the condition with Government, and they could save themselves only by making over to Government the area reclaimed by them—now the Kennedy Sea-face—and various properties they had purchased in Chaupati and Malabar Hill for several lakhs of rupees for getting material for reclamation. Surely properties built up with the money of the city and acquired from it in such a manner might well be given back to the city on an occasion like the present. Though I feel as if I were leading a desperately

forlorn hope, I would still appeal for the good offices of your Excellency's Government to get these properties as a free gift to the city to be used either as open spaces or building sites.

The second resource placed at the disposal of the Board takes the shape of a speculation and it is with some doubt that I join in consenting to its acceptance. But the calculations on which it is based appear hopeful and the reclamation, if successful, will also serve to provide healthy and valuable building sites in the expansion of the city within itself. The rest of the burden for carrying out the work of the Board is laid on the shoulders of the Corporation. As it is at present entered in the Bill, I do not know how to describe it. Besides the return from the Municipal properties devolving on the Board on the same terms as the Government properties, it is said that the Corporation will have to contribute a sum equal to a charge of two per cent. on the rateable value of all lands and buildings in the city. This will bring over five lakhs of rupees a year according to this year's returns: the amount will probably continue to grow in the future as it has done in the past. Whatever the increase, I am content that the city should contribute this definite two per cent. But is it really two per cent. in the Bill? Section 63 is certainly definite; it talks in a most firm and decided manner of "a lump sum not exceeding two per cent. on the rateable value of all buildings and lands in the city." Such emphatic words relieve you of all sense of uneasiness and you glow with a sense of assurance made doubly sure. But alas, you approach section 70, and on the gate thereof is an inscription which reads, 'All hope abandon, ye who enter here.' The boundary line of a lump sum not exceeding two per cent. dissolves into thin air, and in the benevolent and euphemistic Tudor fashion you are let in for any per cent. not exceeding, it is true, but exceeding, 'the liabilities of the Board'! I know the soothing unguents which are administered to induce you

to swallow this gilded pill ; it is said to be only a sop to the ignorance of the people from whom loans are to be extracted ; only this and nothing more. But I must say this is not business. If you give an unlimited power, you must calculate the consequences of doing so. I confess I cannot contemplate with any amount of equanimity the laying of an unlimited burden on the rate-payers of the city. I am strongly of opinion that the only prudent course is to fix the per cent. without any means of tampering with it, and let the Board thus clearly realize that it must cut its coat accordingly and that it must proceed at such a rate only as the percentage given to it will enable it to do.

This is all the more essential when we remember the difference between this Bill and the English Act on which it is otherwise based, as I have pointed out above. There is not the slightest idea given in the Bill as to the works the Board might embark on and the money that they might cost. Under the English Acts the extent of the liability could be ascertained before Parliament is asked to confirm any scheme. It may be said that calculations have been made which show that two per cent. would suffice. But the calculations could only be necessarily based upon certain assumptions as to what should be undertaken from time to time. But neither the assumptions nor calculations would be in the least degree binding on the Board, and the Corporation could be compelled to dance to any tune the Board might call for. My Lord, I cannot but view with the greatest concern the imposition of this unlimited liability on the Corporation, and I trust the Council will take into their most serious consideration this part of the Bill. With this exception, I must confess that the Bill comes out in an improved and satisfactory condition from the hands of the Select Committee, though there are some minor points on which I have amendments to propose. I feel bound to say that this satisfactory result is in no small measure due to the chairman selected by your Excellency for the Committee.

Our deliberations owe much to his intimate knowledge of everything concerning the city, while his clear grasp of facts and his liberal and sympathetic attitude to all argument and contention were eminently conducive to a satisfactory discussion and settlement of all disputed questions. But however satisfactory this Bill may be made in Council, let us all bear one thing in mind, that its successful working will mainly depend upon the watchful, reasonable and judicious co-operation of Government, the Corporation, and the public. So worked, I hope and pray that it may succeed in making the city which we love and of which we are so proud, as healthy as it is beautiful, for the benefit of its poorest as of its richest citizens. Such a result, my Lord, would raise a perpetual monument to the anxious sympathy and far-seeing solicitude for the welfare and resuscitation of this city which were so conspicuously illustrated in your Excellency's speech the other day in the Town Hall.

SPEECH ON THE BOMBAY BUDGET OF 1898-9.

[*The following speech was delivered by the Hon'ble Mr. Pherozeshah M. Mehta, C. I. E., on the Bombay Budget of 1898-9 at the meeting of the Provincial Legislative Council held at Poona on the 19th of August 1898, Lord Sandhurst presiding.*]

Your Excellency,—I confess I am inclined very much to envy the courage of my honourable colleagues who have spoken before me, in grappling so undauntedly with the numerous subjects which they have unhesitatingly placed before the Council for its consideration at such length. They do not seem to be at all dismayed, if not with the usual academic character of our financial debates, even with the hopelessly futile character of the discussion in this particular year, when we are landed in a situation of a most unprecedented character. It cannot but be depressing to make useful suggestions with the consciousness that they are doomed to immediate extinction. However, my Lord, one has to justify one's existence at times, and I hope the Council will bear with me while I offer a few remarks on the Budget placed before us. I quite join with my colleagues in feeling that the meeting at which we are gathered here to-day is a meeting of condolence, and I join in offering to your Lordship and the members of your Government our deep and most lugubrious sympathies. The Hon'ble Mr. Nugent, who prepared the Budget, has truly told us, in the humorous way in which he has always brightened up the debates in this Council, that the result of his efforts this year is only 'an object of melancholy contemplation.' The sum total of the Budget is that the Presidency and your Excellency's Government are bankrupt, and have to subsist upon the charity of the Imperial Government. My Lord, this Presidency has never before been reduced to such straits ever since the introduction of the system of what are called Provincial contracts. As the Council are aware, the system of

Provincial contracts was instituted by the Government of Lord Mayo in 1870. The arrangement then made was a tentative one and limited in its scope; but it met with such a hopeful measure of success, that in 1877 the present system of quinquennial contracts was adopted, and the scope of the arrangement was expanded and enlarged. It so happened, however, that the commencement of the second Provincial contract (1877-1882) was conterminous with the great famine of 1877, which exhausted the resources of the Provincial Government at the very outset so completely as to compel the Government of India not only to bear the greater part of the burden of relief, but even to find money for the Provincial Government to go on with,—a situation not unlike what we had recently to pass through. I would ask the attention of the Council to the way in which it was thought right, under such circumstances, to deal with the Presidency when the time came in 1882 to make a fresh contract. Though by that time the Provincial Exchequer had recovered itself to a considerable extent, the Imperial Government thought that it was a proper and fitting occasion, not to let the Presidency stew in its insolvency, but to grant it more than usually favourable terms, so that when the third Provincial contract closed in 1887, it closed with a balance of 52 lakhs, including the up-till-now considered irreducible minimum of 20 lakhs.

The fourth Provincial contract (1887-92) showed equally favourable results; after comparatively heavy expenditure on public works, and after helping the Imperial Exchequer with a contribution of 17½ lakhs of rupees, it was able to announce a surplus of nearly 44 lakhs. The fifth Provincial contract, which closed in 1897, promised well, though useful expenditure was, with dubious propriety, largely curtailed. But the prevalence of famine disturbed the finances, directly and indirectly. With a contribution of 30 lakhs from the Government of India on account of famine charges, the fifth contract showed a closing balance of 17 lakhs in its revised esti-

mates,—a balance in its nature fictitious. Last year was nominally the first year of the new contract, but it can hardly be called a contract year at all, for several important heads were excluded from settlement till the following year. This year is really the first of the new contract and for the first time since the famine of 1877 the year opens with a balance of *nil*; and it is without a balance at all that this Presidency, for which the irreducible minimum of surplus was fixed at 20 lakhs, is asked to carry on its financial administration for the next four years. It seems to me, my Lord, that this Presidency has good reason to complain, and complain bitterly, of the treatment it is receiving at the hands of the Government of India. It is true that the Government of India has borne, as it was bound to do, the greater portion of the famine charges. But it has undertaken to bear only a very small share of the expenditure on account of plague, its contributions being about 10 lakhs last, and seven lakhs this year. I venture to submit that this Presidency has a right to far more liberal treatment that this. The principles on which these Provincial contracts are regulated were carefully considered and laid down by the Government of India in their Resolution of 1881 on the subject. That Resolution is well known to us as the Local Self-Government Resolution of Lord Ripon. As enunciated in that Resolution Provincial Governments were not only entitled, in times of extraordinary calamities, to draw on the Government of India for unforeseen, unprovided and exceptional expenditure, but they were further entitled to expect that such an adjustment would be made as would enable them to start with a working balance of what has always been considered the irreducible minimum of 20 lakhs for a Presidency like that of Bombay.

The gloom, I deliberately use that word, and the surprise with which the whole country learned of the refusal of the Government of India to accept any assistance from the British Exchequer towards meeting the

cost of the frontier wars was great, but it was felt that the refusal could only have been made in consequence of the knowledge that the country was regaining its prosperity, and that with that regained prosperity the Provincial Government had received liberal treatment. But to our sore disappointment we find that the Government of India have been able to show a surplus by starving, whether other Presidencies I do not know, but certainly this Presidency. We know that the Civil Works Budget used to be prepared on the understanding that the expenditure was never to go below 38 lakhs, but it has been brought down this year to 28 lakhs. How is that done? Why, my Lord, as my honourable friend Mr. Chandavarkar has pointed out, by refusing even to incur the cost of whitewashing the Elphinstone College,—whitewashing that was absolutely necessary after the plague period through which we had passed. If a private individual had refused to whitewash his house under such circumstances, I do not know what criminal consequences he might not have incurred; but there we have the Government of India placing this Presidency in such a predicament that your Excellency's Government are obliged to tell the Principal of the College that plague or no plague, 'you cannot have whitewash'. This may be a somewhat extreme illustration, but it shows the manner in which this Presidency is being starved during the tenure of the present contract. It seems to me that the Government of India can only justify its present action upon one principle. Providence has dealt severely with this Presidency during the last two years; famine, plague and other calamities have come upon us in rapid succession. Possibly the Government of India thinks it would be thwarting and hindering the intentions of Providence if it did not leave us to be chastened and disciplined by the visitations which Providence has been pleased to inflict upon us. That would seem to be the only justification for the treatment that the Government of India has accorded to this Presidency.

I will not say more upon the general question of the Budget except to remark that while we all welcome Mr. James, we regret very much the absence of Mr. Nugent, who irradiated the most melancholy position with his humour. When he tells us that the Presidency is on its beam ends and the outlook for the future is black, the position must be very gloomy and very melancholy indeed.

I shall confine myself to a very few subjects in my detailed observations on the Budget, and I shall first refer to matters affecting the Bombay Municipality. The first point to which I wish to ask the attention of your Excellency is regarding the apportionment of the City Police charges. My honourable friend Dr. Bhalchandra spoke as if some items in connection with the police expenditure had not been settled; but we have thankfully acknowledged the great service done by your Excellency in bringing to a termination the long-standing dispute in regard to the annual expenses of the City Police. Only two points remain now to be settled. After the decision of the Government of India and the Local Government was arrived at about the apportionment of charges, the Bombay Government presented their account for the three years 1892-93, 1893-94 and 1894-95. The committee of the Corporation which was appointed for the purpose of taking cognizance of this question, pointed out that Government had proceeded on an entirely wrong principle in arriving at the amount of arrears due, which on the basis of the decision arrived at by Government, was Rs. 50,000 and not over a lakh of rupees as set forth in the account. Certain items were included, the decision in regard to which was not made until 1895, but for which we were charged in the accounts for the three previous years. I think honourable members of the Council will agree with me that these new items should have been charged from the date that it was decided they should be levied from the Corporation, and that if anything was to have retrospective effect it

should be the payment of the one-fourth share by Government which was decided as far back as 1891. The Committee of the Corporation showed that the Government had overcharged us to the extent of over Rs. 50,000. The Corporation have repeatedly addressed Government on this subject, but up to the present moment we have received absolutely no reply whatever. But while Government have not replied, they have taken the money from us all the same, by including it in the expenditure on plague account, which was due from Government to the Corporation. This is one of the two points upon which we ask Government to come to a final determination.

The second point which remains to be settled regarding the City Police charges is one which has long been under the consideration of Government and the Corporation. It has long been thought that the best way of putting an end to the disputes which have arisen in connection with the police charges would be for Government to take them over on receiving from the Corporation equivalent sources of revenue. Government have asked the Corporation to communicate to them their proposals in this behalf in writing ; but the Corporation have learnt by experience, into which I will not now go, that this is a one-sided and impracticable mode of procedure. It is impossible to come to a settlement by the Corporation going on suggesting one source of revenue after another and Government carping at and rejecting them for one reason or another. The only fair and practical course is to appoint a small committee of the members of Government and the Corporation to discuss and settle the matter. If the Government are really inclined to bring about an equivalent transfer of the police charges, I trust Government will accede to the proposal of a committee which the Corporation have made to them and thus remove finally this long-standing source of irritation which has now and then marred the harmony of the relations between them.

I will next venture to draw the attention of your Excellency and the Council to the dispute which is pending between Government and the Corporation regarding the tenure of the land on which the Municipal Workshops and the Health Department Stables are situated. After this land had been enjoyed free by the Municipality ever since they received it in exchange for the old Municipal Market in Mr. Arthur Crawford's time, Government have suddenly started a claim under which they seek to oust the Municipality or to demand Rs. 24,000 a year as rent. I ventured to ask your Excellency's Government on a former occasion to refer the matter to arbitration, but it was declined on the ground that the Municipality did not appear to have any legal title. Since then, however, a diligent search has brought to light many important documents; and the case having been submitted to the eminent barrister who is standing counsel to the Corporation, we have been advised that the Corporation have a good title to the greater portion of the land. The Corporation are most reluctant to place themselves in any position of seeming hostility or defiance to Government; but I am sure the Council will feel that with counsel's opinion before them, they would be betraying the trust reposed in them if they did not by all legitimate means protect the rights and interests of the city placed by the legislature in their charge. The only way by which the Corporation can escape going to a court of law in the inevitable discharge of their duty, is by a reference to arbitration. The Corporation have respectfully begged Government not to drive them to the disagreeable necessity of fighting with them in a court of law, and I trust your Excellency's Government will receive their proposal for reference to arbitration in the amicable spirit in which it is made, and thus avoid the lamentable spectacle of Government and the Corporation warring in a court of law.

I will next draw the attention of the Council to the question of the financial responsibility for plague opera-

tions. I venture to think that the only practicable and reasonable solution of this question is that the cost of plague operations in the City of Bombay, as well as in the rest of the Presidency, should be defrayed by the Imperial Exchequer. Not only Bombay, but a large number of the mofussil towns have been infected with plague. It is impossible to expect them to pay for plague measures forced upon them in the interests of the whole country out of their extremely limited resources. As a matter of fact they are totally unable to do so. It would be to ruin all prospects of necessary future improvement to recover the expenditure from them in course of time as the Government of India gravely ask us to do. Surely plague time is one of those occasions on which the burden of the tentative and extraordinary measures carried on by Government should be borne by the Imperial Government. I have no doubt that your Excellency and the members of your Government will strive their utmost to induce the Government of India to take this, the only just and reasonable, view of the matter; but if it is not to be so, the Bombay Corporation have a grievous complaint to make. If the city has to bear the greater portion of its plague expenditure, it has a right to expect that measures should not be taken by which its money should be needlessly squandered. That its money has been squandered, I was going to say criminally squandered, as indicated by my honourable friend Dr. Bhalchandra, is now too patent to require me to go into details. I am quite prepared to admit that on occasions of emergency it is not possible to avoid a great deal of what may afterwards seem to be waste; but after such investigation as we have been able to make into the accounts of the Plague Committee, what we have to complain of and bitterly complain of is something over and beyond this justifiable amount of blundering waste. And how has this unjustifiable and extravagant waste taken place? I venture to say that the reason is not far to seek. Nothing else could have been expected when the money was to be found by one

body and was to be spent without control by another. I make bold to say that if the Plague Committee had known that the money to spend was Government money, then I feel certain that we would never have heard of the necessity of being wasteful on the plea of emergency; and a good many of the items which now disfigure the plague accounts, would never have been there. With the lessons taught by this experience, the Corporation had a right to expect that they should not be displaced in favour of a system which had so completely broken down when plague first invaded the city. I have always admitted that the suddenness, mysteriousness, and swift and appalling severity of the visitation demanded a sort of dictatorial regime, and the Corporation loyally co-operated without caring for constitutional questions about their rights and privileges, in enabling Government to assume authority centralised in their own hands. The Corporation readily made way for the Committee appointed by Government. But when the suddenness of the invasion passed away, when there was time and opportunity to concert measures in the light of past experience, the need for a dictatorship passed away, and the Corporation, with their executive functions vested in a Government officer selected by Government themselves and assisted by experts of experience and ability, might well have been entrusted with the task of coping with the pestilence in the city, helped and guided by advice from Government. Government, however, re-appointed the Plague Committee. With what result? The Committee had the interval of the rains to make preparations for the next campaign; and still I venture to say that this Committee proved, I was going to say in every thing, but I will confine myself to saying a disastrous financial failure. The Corporation have pointed out in their representation to Government on the subject, how wastefully and unprofitably their money was squandered by the Committee; and if I may venture to say so, it cannot be gainsaid that the ultimate, if indirect respon-

sibility of this failure must rest with Government, because, after all, the Committee were under the direct orders and supervision of Government and derived all their authority from them. Surely it is neither fair, reasonable, nor judicious to persist in setting aside the Corporation in favour of a system which has been tried and so signally found wanting. But this is what has again been done by their recent orders, against which the Corporation have felt it their duty gravely to protest. I feel sure that nothing is further from your Excellency's intention than to cast any reflections upon the capacity of the Corporation to carry out their duties, and I still trust that your Excellency's Government will reconsider a policy which is neither informed by experience nor consistent with fair play and justice.

Several of the speakers have referred to the serious dacoities accounts of which have recently appeared in the public papers. It is not, however, this recrudescence of big dacoities which now and then attract public attention, serious as they are, which is the most serious part of the affair. What I should like to draw the attention, and the careful attention, of Government to, is the ordinary prevalence of small dacoities throughout the greater portion of several of the districts in this Presidency. With the district police as it is at present organised, there is not a village which is not open to attacks of dacoits; and it is enough for half a dozen or a dozen men banded together to raid any village they like with more or less impunity. There is absolutely nothing like adequate or efficient protection for any village against such attacks; and those who are familiar with the criminal records of the Presidency know that every well-to-do villager is exposed to the danger of being pounced upon and plundered and maltreated by small bands of dacoits. The recent reorganization of the district police is utterly insufficient to cope with this serious evil. It is the village police which urgently requires to be considerably strengthened and more efficiently organised than at pre-

sent. Under the practical working of the Arms Act the villagers have no means to protect themselves, as only one individual here and there can obtain, and that with considerable trouble and difficulty, a license to carry a weapon. The illicit acquisition of weapons is not nearly so difficult; and swords and guns are not infrequently employed by dacoits. I venture to submit to Government that the strengthening and reorganization of the village police is urgently needed.

In referring to the head of Police, I had intended to say a few words about the Punitive Police. But if I may venture to use such a word, I am so elated with joy at the answer which your Excellency's Government have given to my question regarding the imposition of the Poona Punitive Police, that I have forgotten all that I had got to say, and I only wish to tender my hearty thanks to your Excellency and your colleagues for the sympathetic manner in which they have dealt with the matter. One observation, however, I am tempted to make. There are honourable members of this Council and your Lordship's colleagues who have strenuously objected to the use of the term 'Punitive Police,' and they have earnestly assured us that by virtue of the protective policy on which it is grounded, the proper and only term should be 'Protective Police.' But the irony of fate spares neither high nor low. It is not a little surprising to find that so formal and public a document as the Budget of your Excellency's Government uses the word 'Punitive Police.' The non-official members of the Council who were upbraided for their perverseness in contending that 'Punitive' was the right designation thus find themselves justified even of their opponents. I may add that the experience which we have gained of the working of the imposition of Punitive Police in this Presidency has entirely borne out the opposition which I have consistently offered to the policy on which it is based. That experience proves that the imposition can result only in taxing the innocent for the sins of the

guilty. The authors of crime and disorder and disturbance of the public peace, if not discovered and punished criminally, are never discovered for pecuniary liability and taxation. Probably they have nothing that is taxable; and the burden ultimately devolves upon the innocent and honest portion of the population of the area or locality.

I wish to say one or two words only upon the subject of Education. My colleagues have referred to the question of the reform of legal education. Government have from time to time recognized that the Law School required reforming, and they were prepared to carry out the reform. At one time it was only the sanction of the Government of India which prevented the Local Government from transforming it into a permanent Law College. We were fed upon hopes, but that hope has now passed away until some remote future, when Government might be able to devote a few thousand rupees for the purpose of turning the school into an efficient institution. I cannot understand the policy of Government in delaying for a single moment the establishment of another institution to take the place of a much needed Law College. It would be futile to hope in the existing state of the finances of the Presidency that the money will be forthcoming to carry out the reforms needed in the Government Law School. I believe that a Commission, presided over by my honourable friend Mr. Giles, has reported to your Excellency that reforms are needed—reforms that will cost money; but we know that no money can be allotted for the purpose at present. If an institution under proper supervision and guidance offers to do what Government are absolutely unable to carry out in the near future, it seems to me that Government should give the question most sympathetic and careful consideration. The institution for which sanction is required has all the guarantees of proper supervision; it will have for its President Mr. Justice Budruddin Tyabji, and my honourable friend Mr. Chandavarkar and other equally well-known and distinguished

gentlemen are associated with the movement. I trust your Lordship will consider the application they have made and give to it a sympathetic reply. Your Excellency will remember that the University of Bombay used to receive from Government a grant of Rs. 5,000 a year, which was withdrawn at a time when it did not matter the least bit to Provincial finances whether it was paid or not. In those days it was said that the calls upon the Government were so great that unless the Rs. 5,000, which remained out of the original grant of Rs. 15,000, were withdrawn, the administration of education in the province could not be carried on. The stoppage of the grant has been followed by a most remarkable circumstance. When Government contributed to the funds of the University, they interfered as little as possible with the constitution of the University; but now the grant is withdrawn,—I hope it is not in pursuance of any retrograde policy,—Government seem disposed to interfere more with the University and its academic administration than it ever was wont to do. Formal decisions arrived at by the Senate are not treated with the consideration they used to receive in days gone by; and knowing that your Excellency's sympathy with education is great, I hope the constitution of the University will be allowed to remain unimpaired by your Excellency's Government, as it was throughout the administration of your Excellency's predecessors.

In conclusion I desire to call attention to one little point in connection with excise, a department which seems to follow the example of the preacher who said that though he was bound to teach good principles, he was by no means bound to practise them. The excise department always says that it does not exist for the purpose of raising revenue, but for other beneficial purposes; in practice, however, this principle is not maintained. A case in point has come under my personal observation at Matheran, which has existed for 45 years without the need of a liquor shop having been discovered. Suddenly, the rains before last, when nobody was on the hill, it was decided

that a liquor shop should be started. I know that the department is always supposed to give notice. We are told that notices were given in this case, but then they must have been affixed to the trunks of trees, but without people to read them as the population all go down to the plains in the rains. When the time came for the people to go up to the hill they found this abomination flourishing vigorously and they also found that there was an increase of crime and disorder, and a representation was made to the Superintendent. The reason I have asked for the correspondence is that I believe it contains a report from the Superintendent that in consequence of the opening of the liquor shop there has been an increase of crime and disorder upon the hill. If that is part of the report, I can bear it out from my own observation. The opposition to this liquor shop came from no fictitious parties, but from the more respectable visitors on the hill and those who occupy their houses permanently, and no greater mistake could have been allowed than to permit this establishment to be started. I know we must bow to the decrees of Providence, that is to say we must bow to the resolutions of Government, which are something like the laws of the Persians and Medes; but I must say that the establishment of a liquor shop in a place like Matheran does not speak well for the *bona fides* of the spirit in which Abkari administration is carried on in this Presidency. In itself a very small case, but it illustrates the arbitrary and selfish way in which revenue is attempted to be made out of the drunkenness of the people.

THE INDIAN CONTRACT ACT AMENDMENT BILL.

[*At the meeting of the Viceroy's Legislative Council held at Calcutta, on the 17th February 1899, Lord Curzon presiding, the Honourable Mr. Pherozeshah M. Mehta, C.I.E., made the following speech on the motion that the Report of the Select Committee on the Bill to amend the Indian Contract Act, 1872, be taken into consideration.*]

My Lord,—There is no branch of law or legislation in dealing with which it is so easy to go wrong, and in which mistakes are so fraught with far-reaching consequences as the branch with which the Bill before the Council proposes to deal. There are men who firmly believe in imposing honesty and morality by legislation, as our ancestors believed in enforcing decorum and propriety of manners by sumptuary laws. They think that it is only necessary for the state to fix a particular rate of interest, and usury would be annihilated; to prohibit the sale and alienation of their lands, and agriculturists would be saved from ruining themselves; to make all money-lending transactions liable to discretionary revision and adjustment, and Jews and Marwaris would become reformed characters, and creditors would become philanthropists. Such men take no account of the facts of human nature and the laws of its energy. When their remedies only succeed in driving the disease into another and perhaps a more vital part, they do not blame their own short-sightedness but the perversity of social forces. On the other hand there are doctrinaires who carry their fanaticism or superstition for the sanctity of contracts to such a length that they would sanction even murder by contract, like the grave senators of Venice who were prepared to enforce Shylock's bond until woman's wit came to their aid. The Common Law of England embodied nearly as solemn a view of the inviolable nature of contracts, and very nearly justified Shylock's retort to Gratiano,

> Till thou canst rail the seals from off my bond,
> Thou but offendst thy lungs to speak so loud.

Even in the English Courts of Equity the rigour with which the sanctity of a seal was enforced was only very gradually relaxed. As pointed out by Lord Campbell, when the foundations of the equitable jurisdiction of the Court of Chancery were first systematically laid by Lord Nottingham, 'the father of Equity,' he made it a guiding rule,—never in the absence of fraud to interfere with contracts or with obligations solemnly contracted.

'If a man' said he, 'will improvidently bind himself up by a voluntary deed, and not reserve a liberty to himself by a power of revocation, this Court will not loose the fetters he had put upon himself, but he must lie down under his own folly.'

The boundaries of equitable jurisdiction in this behalf continued, however, to be slowly and cautiously enlarged and extended, till while, on the one hand, it was strictly held

that every person is entitled to dispose of his property in such manner and upon such terms as he chooses, and whether his bargains are wise or discreet, profitable or unprofitable, or otherwise, are considerations not for Courts of Justice, but for the party himself to deliberate upon;

on the other hand,

relief was given whenever his peculiar conditions and circumstances placed him under disability.

These principles carefully matured by experience have not been lost sight of in framing the Bill before the Council, and I think the honourable members who have been successively in charge of it may well be congratulated upon the sober and cautious piece of legislation which they have turned out. They have wisely steered clear of the dangerous rocks which menaced them on either side. Nothing would have been more fraught with mischief than to treat the masses of the agricultural population at most as infants, incapable by their ignorance and weakness from making contracts for themselves with money-lenders, and for whom, therefore, the Courts should be empowered to arrange terms retrospectively. We are familiar with the piteous tales which are told of the helplessness of the ryot gripped in the claws of the saukar birds of prey. But the picture is not altogether

true to nature. The ryot is no doubt illiterate and uneducated. But those who know him as he really is, and not as he exists in the imagination of people who like to pose as *má-báp* to him, know that he possesses a very fair share of shrewdness and intelligence, and can negotiate a bargain with the saukar with a clear comprehension of his interest and position, and even with some degree of cunning. Why he is not able to cope with his creditor is, not because of his ignorance, but in consequence of his necessitous position. This position, it must not be forgotten, is as largely owing to the pressure of the state landlord as to the grasping rapacity of the money-lender. To speak only of the Bombay Presidency, it was admitted by Sir Theodore Hope, himself a Bombay revenue officer, in his speech in this Council in introducing the Deccan Agriculturists' Relief Bill, that 'to our revenue system must in candour be ascribed some share in the indebtedness of the ryot.' The Commission appointed in 1891 to enquire into the working of the Relief Act emphatically reported that

> there could be no question that the rigidity of the revenue assessment system is one of the main causes which lead the ryots of the Deccan into fresh debt.

The proper remedy in such a case is not to treat the symptom simply, but to remove the cause. To take away from the ryot the power of making binding contracts for himself would be more calculated to aggravate than to alleviate the malady, while it would be unjust to the saukar to have his terms and conditions retrospectively settled by courts which could neither enter into the intricate complexities of the respective positions of the two parties, nor could have the means of taking into account the element of average risk of a general business which to a certain extent must rightly affect the severity of each individual contract. But while it would be thus both mischievous and unjust to treat ryots or agriculturists in their relations to saukars as *quasi*-infants whose weakness and ignorance required special protection, there

is, on the other hand, no reason whatever why contracts between saukars and ryots should not be treated on the same footing as all other contracts, whenever extraneous circumstances dominate the bargain and enable one party to take advantage of another beyond the adjustment which the circumstances, conditions and necessities affecting the contract in itself would require or warrant. The equitable jurisdiction of the English courts has slowly but increasingly recognised the right of interference in such cases. In the admirably terse and clear speech in which my honourable friend in charge of it moved to refer it to Select Committee, he claimed that the new legislation proposed to invest Indian courts with equitable powers which had long been possessed by English courts. I am not prepared to say that this statement may not be open to challenge in some degree. If it were quite accurate, the need for the proposed legislation would not be very urgent, for our courts have already found a way to go somewhat beyond the provisions of the Indian Contract Act in this behalf, which it must be remembered, defines and amends only certain parts of the law relating to contracts, and to administer relief in most of the cases covered by the equitable doctrines of English law founded upon the existence or presumption of actual or constructive fraud. It cannot also be denied that English equity has hitherto failed to reach many cases, which it is hoped to reach by the present Bill, or there would have been scarcely any need for the recommendations of the select committee on money-lending for the interposition of the legislature to remove the evils attendant on transactions with professional money-lenders. It is true as pointed out by the honourable member, that the general principle deduced by text writers of authority embraces all the variety of relations in which dominion may be exercised by one person over another. But the honourable member knows that English courts do not deduce cases from general principles, but that the elasticity and generality of principles are firmly restrained by

decided precedents which strictly curb the playfulness of idiosyncracy within known limits. But while the measure before the Council is devised to go further than the existing precedents of equitable jurisdiction in England, the Hon'ble the Legal Member is perfectly right in contending that we are not embarking on an unknown sea. The step in advance which we are taking is in the direction in which experience shows that we can advance with reasonable safety. It will be observed that, under the Bill as amended in Select Committee, it will not be enough for the purpose of bringing a contract under the purview of the new addition to the definition of undue influence, that one contracting party is richer or stronger or poorer than the other. A party does not come within the section simply because, for example, he lends money to another. Besides and outside the relation created by a particular contract, there must be a relation already subsisting between the parties which places one at an advantage over the other. The dominating relation, so to say, must not be the creation of the particular transaction in question, but must emanate from something already subsisting before and outside it. The amendments in Select Committee have also made important changes as to the way in which the Courts should proceed when the existence of a dominating relation is established. Where such relation arises out of a position of active confidence in which one party stands to the other, the law applicable will be the existing law, as contained in section 3 of the Evidence Act, which is in accordance with a principle long acknowledged and administered in courts of equity in England and America, and which is that he who bargains in a matter of advantage with a person who places a confidence in him is bound to show that a proper and reasonable use has been made of that confidence, and the burden of establishing its perfect fairness, adequacy and equity is cast upon the person in whom the confidence is reposed (*Story on Equity Jurisprudence*, pp.

309-22.) In cases in which the dominating relation is not coupled with a position of active confidence, there is another condition to be satisfied, also in accordance with a rule of English equity, before the burden of proof is imposed on the person occupying the dominant position. In such cases the Courts will not interfere till the transaction appears on the face of it or upon evidence given in the case to be unconscionable. The propriety and wisdom of this rule is not in itself disputed. But it is contended that the law will be left in a very vague condition, as no definition of what is unconscionable is provided in the Bill. I confess that this criticism strikes me as not being quite well informed. There are words which, in law as in everything else, do not require definition and indeed cannot be defined, but which are all the same perfectly well understood. In this respect the word 'unconscionable' is, in law, something like the word 'jingo' in politics. As Mr. Morley said the other day, it is not possible to define a jingo, but he knew him when he saw him. It is the same with the word 'unconscionable.' It is incapable of definition. Even Lord Hardwicke, who reared the superstructure of English equity on the foundations laid by Lord Nottingham, failed in the attempt when, in *Chesterfield* v. *Jansen* (2 Ves. 155) he tried to indicate in his enumeration of different kinds of frauds that unconscionable bargains were

such bargains as no man in his senses and not under delusion would make on the one hand, and no honest and fair man would accept on the other, being inequitable and unconscientious bargains.

Mr. Story is not more successful when he says that to make a bargain unconscionable,

such unconscionableness should be made out as would (to use an expressive phrase) shock the conscience.

But, though indefinable in itself, the word is perfectly familiar to equity-jurisprudence and is well understood in practice. It can best be interpreted in each particular case in the light of its own particular facts and circumstances. Decided cases show what facts and circum-

stances make a contract unconscionable, and, what is equally important, when they do not. It must be remembered that our civil courts are not ill-qualified to deal with the legal questions arising from the use of the word. In the Bombay Presidency at least, they are now manned in the lowest grades by men who have passed through the pretty severe legal training which is enforced by our universities before confirming the degree of Bachelor of Laws. The Subordinate Judges have all gone through a careful study of the elements of English equity, and are acquainted with its decisions. But if any prepossessions or idiosyncracies have at any time any tendency to betray them into either undue timidity or wild extravagance, the High Courts are over them to correct and to direct. I think, therefore, that the Bill before the Council may be launched on its voyage without serious misgivings. It is never safe to dogmatise emphatically with regard to legislation affecting the infinite complexities of the common intercourse and business of human life, but it is not presumptuous to hope that this measure will prove to be a sound, cautious and careful piece of legislation which, without breaking out into mischief in unexpected quarters, may be reasonably expected to do some good.

THE SUGAR DUTIES BILL.

[*At a meeting the Supreme Legislative Council held on the 20th March 1899, Lord Curzon presiding, the Hon'ble Sir James Westland moved that the Bill to amend the Indian Tariff Act, 1894, be taken into consideration. The Hon'ble Mr. Pherozeshah M. Mehta, C.I.E., spoke as follows on the motion.*]

I confess I should have preferred that this Bill had been allowed to run the usual course which Bills in this Council run. I should have preferred if the Bill had been referred to a Select Committee. I say this for two reasons. In the first place, it seems to me that the matter is not quite so simple as my honourable friend Sir James Westland said in introducing the Bill. He has placed certain materials before the Council, but it seems to me that a certain amount of further investigation and verification is absolutely essential before the conclusions drawn by him can be accepted. It is true that a certain number of sugar refineries in the country have been stopped, but I am not quite sure that the facts placed before us necessarily point to the importation of bounty-fed sugar as the sole or main cause of that result. It seems to me that further enquiry and investigation and verification of some of those figures and statistics should be really made before we commit ourselves to the legislation which is sought for. The second reason I have is that the matter is not so urgent as not to allow time for the appointment of a Select Committee. I quite admit, as the Hon'ble Sir James Westland has pointed out, that we must not wait until the sugar industry in this country is destroyed, but I do not think he has made out a case for such urgency as to justify the course he has adopted in not referring the matter for consideration to a Select Committee. For these reasons it seems to me that it would have been more desirable if the Bill had been referred to a Select Committee.

SPEECH ON THE INDIAN BUDGET OF 1899-1900.

[*At the meeting of the Viceregal Legislative Council held on the 27th March 1899, the Hon'ble Mr. Pherozeshah M. Mehta, C.I.E., made the following speech on the Indian Budget of 1899-1900.*]

A surplus, my Lord, like charity, covers a multitude of sins, specially when coming on the top of years of great anxiety, distress and deficit. Any attempt to moralise on the uncertain and deceptive character of the present smiling appearance of Indian finance—like unto Dead Sea apples—goodly to look at but not quite sound at the core—would be drowned in the general chorus of congratulation. But to do my honourable friend justice, he has himself sounded the right note of warning, lest we forget, and pointed out that while the present prosperous statement sets out a very favourable condition of finance, some of the favourable elements are temporary only, and the extremely rapid recovery of the financial position is in itself a warning that the possibility of sudden reversal of the tide of prosperity (which the failure of a single month of seasonal rainfall has proved sufficient to effect) can never be left out of account in the financial administration of India. These are words of wise warning from one with whom it is possible to differ on many points, but whose ability and intimate knowledge and experience of Indian finance are beyond question. It is possible to emphasise this warning still further. If a *diabolus advocatus* were asked to pick holes in the character of this surplus, as it is said he is called upon to appear and pick holes in the character of a saint before his canonisation, a verdict altogether in its favour might not be quite easily won. Of the improvements on the estimates for the year now expiring, amounting to Rs. 3,870,000, gain in exchange accounts for Rs. 1,070,200. Now, though I know that the idea that this gain is only a very indirect form of taxation is scouted as utterly

unfounded and untenable, still it is very difficult to believe that it is a golden shower from the skies and that it does not ultimately come in some way from the pockets of the people, perhaps of the agricultural classes, or, at least, that they are not better off by that amount as they otherwise might have been. Another important item of increase is that of the collection of land revenue. It is a remarkable fact that suspensions of land revenue owing to famine have been realised very nearly to the full extent in the very next year after it ceased, with the advent of the first good season. This phenomenon has been read as testifying to the astonishing recuperative power of the agricultural population. But signs have not been wanting to show that a portion of this phenomenon at least is probably occasioned by the rigidity with which revenue assessments are collected under a rigid land revenue code which has completely done away with the interference of the civil courts even to the small extent to which it formerly existed. I know that my honourable friend asserts that this rigidity, which was incautiously admitted by Sir Theodore Hope in this Council, was only a condition of things which existed eighteen years ago, and that the Government of India had since applied effectual remedies. I should like to know what those effectual remedies are, so far as the Bombay Presidency is concerned. Speaking in 1891—which is not eighteen years ago—the Commission appointed to enquire into the working of the Deccan Agriculturists' Relief Act reported that 'there could be no question that the rigidity of the revenue assessment system is one of the main causes which lead the ryots of the Deccan into fresh debt.'

When the amendment of the Deccan Agriculturists' Relief Act was undertaken in this Council in 1894-95, it was found that the Bombay Government, or rather the revenue officers, resented this part of the report as the ignorant meddlesomeness of strangers from other provinces who were incompetent to appreciate the beau-

ties of the Bombay revenue system. Though it is open to revenue officers to grant remissions and suspensions, and though the Government of Lord Ripon impressed upon the local Government the propriety of active well-judged moderation in this behalf, the rigidity and inelasticity of the Bombay system continue unmodified. I do not think it right to abuse the latitude which the President of the Council allows on the occasion of the discussion of the Budget by enlarging further upon an incidental topic. I have referred to it for the purpose of showing that, under these circumstances, it is not a matter of unalloyed congratulation that suspensions of land assessment have been so largely recovered within the very next year of the cessation of famine and scarcity, and have contributed to swell the surplus of the running year.

Large as this surplus is, it is a matter of surprise that the Financial Member has not adverted to a circumstance in which it would probably have been much larger. It was so far back as May 1895, that the Royal Commission on Indian Expenditure was appointed. It finished the work of taking evidence in July 1897; and there has been a sanguine feeling throughout the country that a strong case for an adjustment of burdens favourable to the Indian Exchequer had been established. But after weary waiting for close upon two years, the end seems to be as far off as ever, and nobody can say when the consideration of the report will be taken in hand. It is impossible not to deplore this extraordinary delay, fraught as it is with possibilities of mischief in stimulating imaginary suspicions and suggestions as to its real cause.

The surplus would have again been larger if the action of the Government of India had not lost to the country a contribution from the British Exchequer on account of the late war beyond the frontier. Such contribution was due to India, not as a matter of charity, but as a matter of just and equitable right in the distribution, to

put it at the lowest, of joint imperial burdens, exactly as they had been recognised on previous occasions. The financial independence of India does not require that it should not claim and receive its share of partnership—burdens from the predominant partner, just as that partner, for example, claims and receives every farthing, and perhaps more, of the cost of the army while doing duty in India.

It is too late, however, to cry over spilt milk; and, in dealing with the surplus as it is, the proposal to devote a small portion of it to the necessities of the famished Provincial Exchequers cannot but meet with unanimous approval. But, my Lord, I trust I shall not be charged with the meanness with which Oliver Twist was always asking for more, if I urge that the Presidency from which I come is not treated with that full justice which it deserves. I do not for a moment grudge the thick slice which Bengal has managed to obtain of the pudding, though I admit we are somewhat jealous of its opportunities to whisper in the ears of his Excellency the Viceroy in Council and his Finance Minister from one side and the other. I am sure I wish it joy of all that it has known to extract from the clutches of the jealous guardian of the Imperial Exchequer. But it cannot be denied that the Bombay Presidency has been far more sorely and grievously tried by plague and famine combined than the Presidency of Bengal. But while Bengal gets the same grant of 15 lakhs of rupees as Bombay, it is in addition to the assistance undertaken to be given towards the European General Hospital at Calcutta, which I believe means a further grant of 10 lakhs of rupees, and also in addition to a further sum of two lakhs as mentioned in paragraphs 51 and 60 of the Budget. It therefore comes to this, that the more stricken and more distant province gets only 15 lakhs, while her more fortunate sister secures 27 lakhs. My Lord, the Bombay Presidency deserves better and more liberal treatment than this. I will very briefly and rapidly state a

few facts which will show that this is not an unjustifiable claim. As the Council are aware, the system of provincial contracts was instituted by the Government of Lord Mayo in 1870. The arrangement then made was a very tentative one and limited in its scope; but it achieved such a measure of success that in 1877 the present system of quinquennial contracts was designed and the limits of the arrangement were considerably enlarged. It so happened, however, that the commencement of the second provincial contract (1877-82) was conterminous with the great famine of 1877, which exhausted the resources of the Provincial Government at the very outset so completely as to compel the Government of India not only to bear the greater part of the burden of relief, but even to find money for the Provincial Government to go on with—a situation very similar to the one which the province has had recently to pass through. I beg the attention of the Council to the way in which it was thought right, under such circumstances, to deal with the Presidency when the time came in 1882 to make a fresh contract. Though by that time the Provincial Exchequer had recovered itself to a considerable extent, the Imperial Government thought that it was a proper and fitting occasion to grant it more than usually favourable terms. This liberal policy had its own reward. At the close of the third contract in 1887, the Presidency had built up a surplus balance of 32 lakhs of rupees beyond the irreducible minimum of 20 lakhs for working balance which it was required to maintain. This was a little too tempting for the Imperial Government, and when the fourth contract was revised in 1887-88, the shears were pretty closely applied, and it cut from the provincial assignment a sum of 22 lakhs a year—a sum which, as the Hon'ble Mr. James pointed out the other day in the local Council, represented one-third of the entire grant resumed from the whole country altogether. The result was that Bombay contributed 110 lakhs more during the five years of that contract. This was followed

in 1890-91 by the levy of a special benevolence of 17½ lakhs. When the contract was next revised in 1892, Bombay had to yield 13 lakhs a year out of 47 lakhs resumed from all the provinces, or nearly one-third of all India's contributions, that is to say, 65 lakhs during the period of the fifth contract. As it is the most loyal and patriotic who are most expected to bleed for their country, I think it will be admitted that Bombay was made to bleed pretty freely to maintain its high reputation for those admirable qualities. The best that it could have expected under these circumstances was that, when it was overtaken by dire distress and misfortune, it should have something better than what Job got from his comforters. The close of the fifth contract found Bombay plunged in an unprecedented combination of calamities. Famine and plague joined their forces. No wonder that its treasury was soon depleted. The sixth or current contract has been now settled on the same terms as the last though the Government of India delayed its settlement till the second year in the hope that they might be able to screw out, as on previous occasions, a further annual contribution of at least 10 lakhs. It is true that the bulk of the famine expenditure has come from the Imperial treasury, as it was bound to do on the exhaustion of the provincial resources. But even so the new contract leaves the Presidency in a situation of great gravity. I will not trust myself to describe this situation, but will rely only on official sources. In presenting the Financial Statement last August, the Hon'ble the Revenue Member said :

For the first time since the famine of 1877 the year opens with a balance of *nil*. Negotiations have been in progress with the Imperial Government regarding the final assessment of plague and famine charges; and the present position is that the Imperial Government have undertaken the whole cost of the famine operations and have granted this Government special contributions of Rs. 9,91,000 in 1897-98 and Rs. 7,00,000 in the current year in recognition of plague expenditure; they have, however, refused to place at the credit of this Government any sum for the reconstitution of the Provincial balance, and have directed that, with the assistance of such recoveries as are due from

local funds on account of famine charges borne by general revenues, this Government must build up its balance to the prescribed minimum of 20 lakhs by savings from current income—a laborious and thankless task not easy of accomplishment.

The process of exacting recoveries from local funds is likely to be slow, and in the current year the sum expected to be derived from such recoveries amounts to Rs. 79,000 only. It has been necessary to enforce economy upon all departments with what cannot fail to be regarded as ruthless severity, and in particular to reduce the grant for Civil Works to a point which forbids the entertainment of new projects and barely suffices for the prosecution of works in hand. It is obvious that the Budget herewith presented to the Legislative Council can only be an object of melancholy contemplation.

The Local Government is financially, to use a nautical phrase, on its beam-ends. Its own resources are exhausted and it has to subsist for the present on the charity of the Government of India. The outlook is unpromising, and it is to be feared that for years to come attempts to improve the administration, to provide the additional staff and establishment so urgently needed in more departments than one, and to promote the progress—material, educational and other—of this Presidency, will be most seriously crippled, if not rendered impossible, by the lack of the requisite funds.

In the debate that took place on this Financial Statement, the Hon'ble Mr. James, then temporary Member of Council, gave a humorous instance of the straits to which the Government were reduced.

'I am not sure' he said, 'that my honourable friend the Legal Remembrancer would not hold that we have really laid ourselves open to the criminal misappropriation clauses of the Indian Penal Code. It is a fact that a subscription of Rs. 17,000, which Government promised to double, has been credited in our revenues and swallowed up, and if we were asked to produce it, much less the corresponding grants promised, we could not do so, at any rate at the present moment.

But it is more serious to contemplate that the Civil Works grants were reduced from the by no means high average of 36 lakhs to less than 27 lakhs (actuals) in 1897-98 and to 29 lakhs in the budget for 1898-99, but which was to be further reduced. The above forecast was made in August of last year, when there was some lingering hope that we had seen the last of plague. But unfortunately we have been visited with another outbreak as severe as, if not more severe than, the last. In view of the whole situation, I do not think it can be said that, in the negotiations for the new contract, the

Bombay Government were asking anything excessive when they asked the Government of India to increase their assignment by 13 lakhs a year, that is to say 65 lakhs for the period of the contract. But the Government of India were inexorable, and they thought they had done quite enough when they reluctantly refrained from shearing off the 10 lakhs a year they had set their hearts on. Now, while the Government of India were supposed to be in dire straits themselves, it was possible to extenuate their hard-heartedness to the provincial sheep, though it made their refusal of a contribution from the British Exchequer less excusable. But with a surplus of four crores and 76 lakhs for the closing year and an estimated surplus of close upon four crores for Budget year, I submit that the Presidency is entitled to be placed in a normal position throughout the whole of the contract period. Instead of that, what we find is that, as stated in paragraph 57 of the Budget, even after receiving a further grant-in-aid of about 22¾ lakhs, the province will be left, on 1st April 1899, with an opening balance of *nil*. The only further relief that is given is a grant of 15 lakhs in the accounts of the year 1898-99, that is to say, out of a surplus of close on 4¾ crores, and the same amount (less the excess expenditure already provided for in the provincial estimates), an uncertain sum, in the estimates of 1899-1900, out of a surplus of close upon four crores which is likely to be much more as the rate of exchange has been taken a farthing less than might be reasonably anticipated. I have pointed out above how this relief is considerably less than might be reasonably anticipated. I have pointed out above how this relief is considerably less than that granted to Bengal under less afflicting circumstances. But independently of such a consideration, I venture to submit respectfully that wisdom and justice and liberality all require that the overflowing Imperial Exchequer should set up the province on its legs again, firstly, by taking up all direct plague expenditure; secondly, by making

grants sufficient to restore to their normal health the departments that have been starved so long and have grown so lean; thirdly, to start the province with the minimum working balance of 20 lakhs. To treat plague expenditure as anything but imperial would be both a hardship and an injustice. It has been regulated by imperial considerations, and has been incurred under imperial directions, and has been disbursed under imperial agency. In the case of the smaller municipalities living from hand to mouth, their income is absolutely inadequate to meet the burden, and they can discharge it, even gradually, only by sacrificing all sanitary progress for years to come. Even in the case of a city like Bombay, supposed to be wealthy, the large surplus balance it had carefully built up is swallowed up; it has had to undertake the liability of paying five lakhs a year in addition to large revenues from many valuable properties for the improved reconstruction of the city, and it is now levying the minimum rates which it is entitled by law to levy. I may add that Bombay is the only city in all India which is compelled to pay three-fourths of the cost of the city police, amounting to over five lakhs of rupees, which was first imposed on it on the understanding that a uniform system would be introduced over the whole country, under which every town would pay for its own police, but which was continued even when the introduction of a uniform system was abandoned. Neither Calcutta nor Madras bears a similar burden. The only just course under such circumstances is to treat the calamity as a visitation of Providence, for which no part of the country should be made to suffer by itself, and to regard all plague expenditure as a joint liability on the general revenues. With regard to the restoration of civil grants to their just requirements and the provision of a minimum working balance, it has to be remembered that the mischief done in the last two years has to be repaired. To take one instance only, the expenditure on Civil Works had to be curtailed to 26

lakhs, when as I have pointed out above, it should have been something like 36 lakhs. Such curtailment does not only mean multiplication of future liability, but it also involves the necessity of making good the deterioration caused by delay. It seems to me that, when the Bombay Government asked for an increased annual assignment of 13 lakhs, they were asking for nothing more than what was essential for the welfare and progress of the administration under their charge. If it was not possible to accede to their demand in a time of trouble and deficit, surely now that there is a large surplus, it is but fair that the Presidency should now be placed in the position in which it would have been if the necessary increase had been allowed in the settlement of the current contract. Nothing is more ultimately paying to the Imperial Exchequer than investments in the growing welfare and progress of the different provinces. I may assure my honourable friend that no congratulations on the prosperity Budget which he has presented to the Council will be more fervent or sincere than those of a province grateful for being called upon to share that prosperity and for being furnished with the means of recovering its lost health and vigour after having suffered so long and so grievously as the Bombay Presidency has done.

SPEECH ON THE BOMBAY BUDGET OF 1899-1900.

[*The Hon'ble Mr. Pherozeshah M. Mehta made the following speech on the Bombay Financial Statement of 1899-1900 at a meeting of the Provincial Legislative Council held at Poona on the 24th of August 1899.*]

Your Excellency,—The task of the honourable members of this Council, at this season of the year, of ploughing the sands of the sea, has never, at any time, been especially exhilarating. But this year it is of a more depressing character than ever, meeting as we do under the shadow of the dire affliction which has devastated this part of the country. Unfortunately, to the severe visitation of plague, which is just now prevailing in Poona, there threatens to be added a prospect of severe scarcity in some parts of the Presidency. In these circumstances, my Lord, it seems almost a thankless task to set about criticising the financial policy of the Government, which has to devote every spare rupee of its revenues to meeting these calamities. It is a matter of very great and sincere regret throughout this Presidency that the concluding years of your Lordship's administration should be clouded by these severe calamities; and the only bright point in the prospect is that the people view with the very greatest admiration the unremitting efforts, and the sympathetic attitude that your Lordship and your Lordship's Government have adopted in carrying out the necessary measures for meeting these calamities. I have long ago given up saying or suggesting anything, or dogmatising, in regard to plague. There were prophets who thought that plague could be stamped out by means suggested from time to time. But after all everything and everybody has proved helpless before that task. If I should venture to offer one piece of criticism in regard to plague administration, it is this. There is a strong impression prevailing just now that inoculation is to be made compulsory. I trust that while your

Excellency's Government will do everything in your power to encourage inoculation among the people, no methods of a compulsory character will be adopted. I have said, my Lord, that I have given up making any suggestions about plague, but one thing that I have said before I will continue to repeat, namely, that so far as plague expenditure is concerned, it should be entirely an item of Imperial expenditure. I know, my Lord, that the Government of India have made the very handsome contribution of Rs. 26,33,000 in aid of plague expenditure in this Presidency. But taking only one instance the City of Bombay gets a contribution of Rs. 14,50,000 against an expenditure which has now reached something like Rs. 38,00,000. It seems to me it is neither fair nor just that in taking measures to deal with a calamity for which nobody is responsible, the Government of India should refuse to recognise that the whole of the expenditure in regard to plague in the Presidency should be paid out of Imperial funds. I trust, my Lord, your Lordship will still make untiring efforts to induce the Government to come round to that view. I know the difficulties in the way, but if the efforts are unceasing I hope that something will come out of those exertions.

Coming to the Financial Statement, I am sure it must have been a pleasure to the members of the Council as certainly it was to me, to see our honourable friend Mr. Nugent back amongst us with the picturesque language in which he knows so well how to clothe his financial observations, which otherwise would be of so dry a character. If he will pardon me, I will venture to say that some of his remarks somewhat amused me. He has expressed himself very thankful to the Government of India for the liberality with which they have come to the assistance of this Presidency, and in the third paragraph of his statement he told us that—

> In the Revised Estimates of the year the Government of India have again come to the assistance of this Government and have made a liberal contribution of 27,86 from Imperial funds to recoup the deficit anticipated in the provincial account.

And in the fourth paragraph he said—

The liberality with which the Government of India have permitted this Government to share in the prosperous condition of the Imperial finances * * * * has been cordially acknowledged by this Government.

Now, my Lord, I can't help thinking that my honourable friend has been indulging in what I think I may call Pickwickian language in making these observations. He is, no doubt, duly thankful to the Government of India for what he calls their liberality. At the same time I find in the latter portion of the Financial Statement, paragraph 45, these observations—

This Government have greeted with pleasure the welcome display of a spirit of benevolence on the part of the Government of India as betokened by the special grants which have generously been given. We are duly grateful for the liberality displayed towards us ; but had it been refused, we should simply have been insolvent and this from causes entirely beyond our control.

It is this portion of the remarks which leads me to consider that the language used by our honourable friend in this matter has been of a Pickwickian character; and, my Lord, I entirely agree with my honourable friend in taking this view of the matter. While greatly acknowledging the liberality of the Government of India, I venture to say they have not only not been liberal, they have not even been just to this Presidency. Because after all the liberality and generosity which the Government of India have shown, what is the result which will be received at the end of this year? My honourable friend has described it in one sentence. We begin the Budget year, he says, with a surplus of 15 lakhs helped by the Government of India, and end with a balance of *nil*! That is the total result of the liberality which has been shown to us by the Government of India. Now, my Lord, I submit that this Presidency was entitled under the rules which were laid down at the time of the framing of the provincial contracts to better treatment than has been accorded to us. At the Viceroy's Council this year, in the discussion on the Imperial Budget, I was very much struck by what was pointed out by the Lieutenant-Governor of Bengal in

regard to the rules laid down for occasions of stress and famine, by the Government of India in 1881. He said:

It was settled in that year that in the event of famine, a local Government was to meet the cost from its own balances, as far as possible; but that, if these did not suffice, and the Imperial Government had to assist, then the contribution of the local Government was to be two-thirds of the funds in excess of its minimum balance. When famine came in 1896 the balances at the credit of the local Government in Bengal were 58 lakhs, the savings of several years, carefully husbanded for various important works of public utility, notably the supply of feeder roads to our railways. Its minimum balance is Rs. 20 lakhs. Under the rules of 1881 the Bengal Government should not have been required to pay more than two-thirds of the difference between 58 and 25 lakhs towards the cost of any necessary famine works within its area. The Provincial contribution should have been 25½ lakhs.

In a subsequent part of his speech he said:

I regret even more that the Budget Statement contains no reference to a principle which I consider of the highest importance whether you look at it from the point of view of the local or the Imperial Government. The idea of 1881 was to leave to the local Government some of its savings even when it was overtaken by heavy and unforeseen calamities. Unless you do that, you leave it with no encouragement whatever to thrift and circumspection. Every local Government will spend its balances every year lest the Imperial Government sweep all away in resistless rigidity. Money will be spent hurriedly on any local improvements that suggest themselves and when famine does come the Imperial Government will find in the local treasury nothing but the prescribed minimum balance. In the interests, therefore, alike of the local and Imperial Governments, I think the rules of 1887 were eminently sound and wise, and should be most carefully maintained and reiterated.

Now, my Lord, in regard to Bengal, against 25½ lakhs found by the Bengal Government under these rules, 22 lakhs were admittedly given to them; there was only a question about a small difference of 2½ lakhs between them. In the case of Bombay this principle has been altogether set at defiance, and the rules laid down in 1887 have been altogether thrust aside, because instead of allowing us a portion of our savings beyond the minimum 20 lakhs—the minimum being the same in the Bombay Presidency as in Bengal—notwithstanding the liberality of the Government of India, as the honourable member in charge of the revenues has pointed out, we shall begin with a balance of 15 lakhs and end with *nil*.

The Hon'ble Mr. Nugent—I think I said a balance of six lakhs.

The Hon'ble Mr. Mehta—In your statement you say we begin with 15 and end with *nil*.

The Hon'ble Mr. Nugent—I think that subsequently I said that a balance of Rs. 6,00,000 is reserved.

The Hon'ble Mr. Mehta—Well, probably it is a convenient way of stating things. But practically the honourable member has stated that we in this Presidency really have very little to live upon except for the merest and barest requirements. He himself pointed out, as I have said in picturesque language, that the pressing needs of the Presidency have all been set aside, and all we have to do is to meet present requirements out of the surplus given to us. My Lord, to my mind it is now a very serious question whether this system of so-called provincial contracts is not one against which local Governments should not now raise the very strongest voice. It seems to me that the system is one which will be best described by the homely illustration with which we have been all familiar from our childhood, that of the spider's parlour which the fly is invited to enter to see how pretty it is. The fly walks in, and is swallowed up. It appears to me that the system we are now carrying on is devised for the purpose of taking away in times of prosperity everything that is the result of the thrift and energy of the Provincial Governments, and leaving it as little as possible in times of adversity.

Your Lordship will see under paragraph 8 of the Resolution of 1892, in regard to the restrictions under which the contract should be worked, that a local Government is not free to spend funds acquired by its own thrift and the expanding nature of the sources of revenue as it chooses, but must obtain the sanction of the Government of India for the very smallest charge. It is only human nature that such sanction should not be easily given, when the refusal serves to lay up monies for the ultimate benefit of the Government of India. At

the end of the period of contract, all the funds which have been acquired by thrift are swept off into the coffers of the Government of India. As the Honourable Mr. James very clearly explained last year, a very large amount has been carried away from the Bombay Exchequer by the Government of India in this way at every revision of the contract. It is high time that the Local Government should raise its voice against so unequal and one-sided a system. It would be much better to go back to the old system, under which, I am sure, we should be much better off than under the system of provincial contracts. What would have been our situation under the old system? The Government of India would have been compelled to allow the administration of the province to be carried on without being starved as it is now being done. Surely nothing would justify the Government of India, with a surplus of four crores for last year, and an estimated surplus of 3½ crores at the end of the current year—nothing would justify them in saying that because plague and famine have had to be provided for, they will make matters worse by starving the ordinary administration. It seems to me that we should be much better off under the old system.

It is curious that men are grown up babies after all, and are easily carried away by glittering toys, and that is what seems to have taken place in this case. We have been seduced by that fine word 'decentralisation'. The Government of India ought to be very thankful to the man who invented that word. It seems to me that a more apt word for the real thing would be 'over-centralisation'. As was pointed out years ago by one of the greatest of English statesmen who really had the truest grasp of Indian problems that ever any man had—Mr. John Bright, real decentralisation could only be carried out by making all the presidencies federal bodies under the Government of India, contributing fixed amounts for imperial purposes.

Well, my Lord, passing from these general remarks, I propose on this occasion to refer to one or two heads of expenditure in the Budget. The first head to which I will refer is Police. Your Excellency will remember that last year I pointed out that in view of the numerous dacoities that had taken place in certain parts of the Presidency, it was necessary to strengthen the police. This year the same thing is being done, and we have heard of many small dacoities through the press owing to the sensational character of these dacoities. In some cases we hear the village police have tried to run after the dacoits without success as the dacoits were better armed, and the village police were utterly helpless. Government should therefore give more attention to the question of reorganising the village police, and thus afford a better and constant protection to the people in the mofussil. A greater amount of expenditure should be devoted for this purpose; this is a necessary expenditure, and this Presidency should press very strongly and as early as possible on the Government of India the necessity that exists for reforming and re-organizing the police. I am afraid that the delay which has taken place in taking up this question, cannot be regarded as quite creditable to the Government. Suppose that in the city of Bombay a larger number of dacoities than usual had taken place, the Government would have immediately come down on the Corporation and said: 'you must enlarge your police to deal with the circumstances'; and they would have absolutely heard nothing of the excuse that we had spent large sums of money. I am not speaking from a speculative point of view, but from actual experience. In years not very far gone by, Government insisted on the Corporation enlarging the Bombay city police, and it appears to me that the same thing should apply to the Government of Bombay, just as much as it applies to the Municipality. If the police, as at present constituted, is unable to secure the preservation of the peace, then the Government of India must find funds to reform and reorganize the police.

In this connection I will make one observation which I have always intended to make, namely, that you will never thoroughly reform the police until the Criminal law is amended and you take away the power which the law now gives to the police of getting confessions from suspected persons. They are placed before a magistrate and with the police behind the doors, ready to bounce, they make a statement—or what is called a voluntary confession, but it is nothing of the sort. We know that from experience. The accused fully know that they will be carried away by the police as soon as they are out of the magistrate's presence. Can we then believe that statements made under such circumstances are voluntary? Until the law is altered detection of real culprits is impossible, because the police will, in trying to detect crime, pounce on the suspected, saying 'you have done such and such a thing,' and thus compel the innocent at times to admit crimes which they have not committed.

The only other head to which I propose to refer at any length is the head of Education. Borrowing the language of my honourable friend Mr. Nugent, which I am always fond of doing, that portion of the Budget is 'an object of melancholy contemplation.' The Hon'ble Mr. Fazulbhoy has already spoken of the condition in which it is. My Lord, it is a remarkable circumstance that in regard to education the policy of the Government grows retrograde. When the University of Bombay received from the Government a contribution of Rs.30,000, which was afterwards decreased to Rs. 15,000 and finally to Rs. 5,000, the interference of Government in its affairs was of a very infinitesimal character. Now that contribution is *nil*, the interference of Government is growing larger and larger. I quite believe that whatever interference does take place is intended, as your Lordship said, in the interest of higher education. But it seems to me, as was pointed out by Sir Alexander Grant, that the policy of Government in these matters should not be to make the Senate of the University a department of Government. It

should leave the affairs of the University to be administered by the body to which they were entrusted, except on occasions of particular and especial importance.

It is a pity, my Lord, that proposals which were sent up to Government in the interest of higher education, should have been regarded as opposed to those interests; for I cannot help always deploring and regretting the circumstance that it is thought that a large amount of little knowledge in many things is better than a greater amount of knowledge in fewer things, and it appears to me that this circumstance very largely accounts for the character of the men that our University is turning out; instead of being allowed to make themselves proficient in a few subjects, they are required to make themselves acquainted with a little of many subjects. I hope, however, that further consideration of this question may enable your Lordship's Government to look at it from another point of view, in the interests of higher education and in the interests of the young men whom the University is turning out.

I am thankful to your Lordship for the indulgence with which you have heard these remarks, which may be said to have gone beyond the Budget limits. But I will now proceed at once to a subject which is more closely connected with the estimates placed before us, and that is in regard to the Law School. It is a very remarkable circumstance that in later years we have been reversing the policy which the Education Commission, after very serious and grave consideration, laid down. Ever since the report of that Commission we have heard it over and over again from the members of the Government that private enterprise was expected to take steps in regard to public institutions and that Government would encourage purely private enterprise as much as possible. My Lord, I very clearly remember a resolution issued under the signature of an officer of this Government, Sir William Lee-Warner, in which it was pointed out that Government expected very great advan-

tages to result from the adoption of a policy of encouraging private enterprise in educational matters. That policy was attempted to be carried out so far that Government intended to sever its connection with some of the high schools in the Presidency. It is a curious irony of fate that at that time some of us were cried down when we said that not only in educational interests, but in the political interests of this Presidency, that policy would prove a mistaken one. But, my Lord, I hope that policy will not be accepted without very careful consideration. The principle upon which the Law School was founded was that Government would find a Law School such as the Presidency might require, but would not spend any of its own monies upon the project. The school must get monies from the pupils attending it; therefore, we must debar all other institutions that might carry away some of the pupils, and must make a monopoly of that part of our educational system. My Lord, it seems to me only necessary to add that such a policy can not only be called retrograde, it must be called mischievous.

Then as to the reorganisation of the Law School, although three more professors have been added, the difficulty that existed in the past still exists. Each of these professors is obliged to take up absolutely overcrowded classes. I have ascertained from personal inquiry that each of these professors is obliged to work a class of 200 candidates. It was intended that the reconstruction of the classes would give each professor, in addition to lecturing, time for more tutorial work, but how is that possible in the circumstances? It seems to me that the principle on which the reorganization of the Law School has been carried out requires very serious consideration.

I will not take up the time of the Council further, except to refer to one thing, the Excise. The Hon'ble Mr. James last year complained that the subject of the grog shop at Matheran was too small a question to be

introduced into the Council. I do not see the point. It was introduced with the object of affording this grave Council an opportunity of seeing the way in which the administration of the Excise Department was carried out. The principle ostentatiously laid down in the rules issued by the Department year after year, is that its object was to restrict the consumption of liquor and not that of levying revenue out of drunkenness. In practice, however, the Excise was used for the purpose of raising a larger revenue. I personally came across at Matheran an instance which convinced me of this. In this place a grog shop was established where for years there never was a grog shop. Every one of the visitors complained that it would be a source of mischief to the poorer classes of the inhabitants, but no heed was paid to the protest. Mr. James justifies the establishment of the grog shop on very sympathetic grounds, and I am delighted to see how sympathetic he really is. At a former Council he sympathetically said, 'Oh, let the poor man have his beer; the richer people must not begrudge the poor man having his beer.' I do not begrudge the poor man or the rich man having his beer or glass of wine, but I do begrudge the poor man the means of his getting drunk; and it was because drunkenness had increased to such an extent on that hill that disorder and misconduct had become rampant, that I am directing the attention of the Council to this little grog shop as it still remains there. My honourable friend said it was required by the people who were established on the west parts of the hill; but his remarks have not convinced me. Although he has visited various parts of the country I believe he has not visited that district, and I feel convinced that if he went there he would recognise that they did not require a grog shop. It is a mistake to encourage these people in habits of drunkenness, and for this reason it was that in the interest of these people I protested against the establishment in the station of that grog shop.

My Lord, I do not think I will make any further remarks on the Budget. It is utterly useless to suggest alterations in the Financial Statement before us. There is absolutely nothing that can be altered. I know that my honourable friend has said in his statement that he will give due consideration to anything that may fall from honourable members. I am perfectly sure that he has said that in a little malicious spirit of humour, because we all know that he would say: 'I perfectly sympathise with your suggestions, but we have absolutely no means of carrying them out in any degree whatever.'

THE WHIPPING BILL.

[*At the meeting of the Imperial Legislative Council held on the 16th February 1900, the Hon'ble Mr. Denzil Ibbetson, C.S.I., moved that the Report of the Select Committee on the Bill further to amend the Whipping Act of 1867 be taken into consideration. The Hon'ble Mr. Mehta moved that for clause (b) of Section 5 of the Act as proposed to be substituted by clause 2 of the Bill, as amended by the Select Committee, the following be substituted : 'Any offence punishable under any other law with imprisonment, which the Governor-General in Council may by notification in the 'Gazette of India', specify in this behalf' ; and that the proviso to the said section be omitted. In doing so he spoke as follows.*]

The amendment which I propose is calculated to achieve the very same object as the section now stands. The only difference will be that that object will be attained not in a wholesale and indiscriminate fashion, but with care and deliberation. It has been pointed out by the experienced Indian Judges of the High Court of Calcutta, that according to native sentiment whipping is a far more degrading and hardening punishment than imprisonment. I think they have described the native sentiment in this respect correctly. At the same time, I am bound to confess that there is a great deal of force in the argument that it was much better not to subject juvenile offenders to the demoralising influences of a jail life. It is therefore most important, taking both these arguments into consideration, that the way in which we proceed in this matter should be as deliberate as possible. The section as it now stands is capable of doing one thing more than is generally supposed. It is said that no magistrate would inflict whipping unless he was prepared to inflict imprisonment in its stead. But, my Lord, it seems possible that magistrates will sometimes go beyond that; where they could possibly have inflicted a fine, they might in its place inflict whipping. I would put a concrete instance, suggested by the papers submitted to the Select Committee, as illustrating what I say. There is a very common offence known in this

country as commission of nuisance. It is possible no magistrate would inflict imprisonment if the juvenile offender is convicted under that section, but it is very possible that he would inflict whipping in lieu of fine, under the belief that so far as the juvenile offender himself is concerned, he would not be punished by a fine which his parents would pay. If we remember the state of native society and the common practice of parents to send children on to the street, the result would be that not only will the children be punished for the sins of their parents, but the parents themselves would escape scot-free because they have escaped the fine which they would otherwise have paid. It is not at all improbable that cases of whipping of that character will occur, and it therefore seems to me that we should proceed with care and deliberation in saying what offences only should be brought under clause (*b*). That there are cases which ought to be excluded from the purview of clause (*b*) is apparent from the admission involved in the proviso which has been appended to that clause, which gives power to the Governor-General in Council to exclude such offences as he may think not fit to be included in the operation of that clause. It seems to me the safer course will therefore be to ask the Governor-General in Council to go carefully through the infinite variety of local and special laws of which so far as moral turpitude is concerned many are only conventional offences, than that the door should be shut after the mischief is done. As the clause now stands in the amended Bill, it is only after the mischief is done that the local or special law may be excluded.

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[*In replying to the debate on the amendment, in which Mr. Denzil Ibbetson, Mr. H. F. Evans, Mr. J. D. Rees, and Mr. T. Raleigh spoke against and Mr. J. T. Woodroffe, Rai Bahadur B. K. Bose, Sir Harnam Singh, Rai Bahadur P. Ananda Charlu, and Mr. G. Toynbee for it, Mr. Mehta said* :]

I should like to say one word in reply. All that the Hon'ble Mr. Rees says in opposition to my amendment is

that I do not go far enough. He is prepared to go very much farther, but as I am not able to go all the way he will not accompany me even part of the way. With regard to what has fallen from the Hon'ble Mr. Ibbetson and the other honourable members who have spoken in support of the original section, it seems to me they have not met the case which I have put before the Council. Their case is that magistrates, under the section as it stands, will inflict whipping in lieu of imprisonment, but it has to be remembered that the section does not only include offences which are punishable with imprisonment only. It includes also offences which are punishable with fine or imprisonment, and all those cases would be included under clause (*b*); so that magistrates would have the right to inflict whipping in lieu of fine also. That, I submit, would be an intolerable state of things, and when it is remembered that there is no appeal from a sentence of whipping and that whipping once inflicted is irreparable, the necessity for proceeding with caution and discrimination is extremely urgent.

[*The amendment was negatived by a majority of two.*]

SPEECH ON THE INDIAN FAMINE FUND.

[*At the public meeting held in the Calcutta Town Hall on February 16, 1900, with his Excellency Lord Curzon in the chair, the Hon'ble Mr. Pherozeshah M. Mehta, C. I. E., made the following speech in supporting the first resolution.**]

Your Excellency, your Honour, and Gentlemen,—I am very thankful that by way of supporting the Resolution which is now before the meeting, I am given this opportunity of pleading the cause of the Presidency from which I come and to which I belong. Never within living memory, never perhaps within the memory of history, has the Bombay Presidency been stricken so sore as it has been for the last three years and as it is still now. Plague and pestilence and famine have been poured on its devoted head without pause or intermission ever since September 1896. Were not our faith well-grounded in the wisdom and ultimate beneficence of the dispensations of Providence, however inscrutable, we might almost be tempted to murmur and rebel against what that most Greek of English poets has in his pagan fashion bemoaned as 'the mystery of the cruelty of things.' And mysterious and cruel have indeed been the trials to which the afflicted Presidency has been incessantly subjected and through which it is still passing. It is difficult for those who have not been in the very midst of them to realize the terrible horrors of the com-

* The resolution, which was moved by his Highness the Maharajah of Darbhanga, seconded by the Hon'ble Mr. Allan Arthur, and supported by his Honour Sir John Woodburn, Moulvie Abdul Jubbar and Mr. Mehta, ran as follows :—

'That the meeting recognizes the fact that the time has come when a charitable fund should be formed for the relief of distress in the famine-stricken districts of India ; that the need of relief is more urgent than it was in 1897, such relief being supplementary of the operations of Government and designed to meet cases not clearly or adequately covered by those operations ; and that to this end subscriptions should be invited from the well-to-do throughout this country, and contributions from abroad be thankfully received.'

bined calamities which have ravaged and desolated the land from end to end, horrors more frightful even than those which war has cruelly brought home to us within the last few months. In speaking of them, it is impossible not to dwell for a single moment on the most pathetic feature of the situation, and to bestow a word of praise and admiration for the patience and resignation with which the people have borne their sufferings—never afraid for themselves or for their lives, afraid only of being severed from those near and dear to them. (Cheers.) It was in September 1896, that plague first put in its dread appearance in Bombay city, and as it extended its tour throughout the mofussil, its energies were reinforced by the fell forces of famine in the following year. As to plague, it has never relaxed its grip of the Presidency and its devastations have continued unchecked. It was hoped, however, that the unholy alliance between plague and famine would not recur. But alas for the vanity of human speculations their combined forces have appeared again, like giants refreshed, raging more furiously than ever. In Bombay, the total mortality has already reached 400 deaths a day, and famine has settled on the province in its most unrelenting form. There is not only a failure of crops, but also of water and fodder. The destruction of cattle has been already enormous, and the increase in railway traffic, which is generally a matter of rejoicing, is one of woe, for the increased traffic is in bones and hides. The situation has thus become one which demands the strenuous co-operation of Government aid and private philanthropy, and the exigency is such that the time for local efforts is past, and the whole country must rally round the standard which his Excellency has unfurled to-day. (Loud cheers.) With regard to State aid, we may well set our minds at rest. There has been some amount of criticism as to the precise wording of the official announcements on the subject. But whatever may be the way in which the principles guiding State relief are presented, of one thing

we may be sure, that a Viceroy who has unbounded love and sympathy for this country and its people and whose energy and force of character keep pace with his love and sympathy, will fulfil to the utmost what he has himself described as 'the obligation of Government to spend its last rupee in the saving of human life and in the mitigation of extreme human suffering' (applause), and that all necessary limitations will be interpreted with generosity and humanity. I trust, gentlemen, that our own obligation, no less imperious because voluntary, no less binding because only moral, will be discharged in the same spirit. (Cheers.) We are ready enough to criticise the action of Government with regard to its famine operations. I venture to say that is as it should be. But we should be totally unworthy of that valuable and important role, if we did not, when our own time of action came, practise the principles that we preach, if we did not give all the help we could as generously and as humanely as we ask Government to do. I am sure no such reproach will attach to us, and the response which the country will give to this present appeal to its benevolence, and its philanthropy, will be worthy of a movement inaugurated under the auspices of that gracious lady whom we not only regard as the greatest living Sovereign upon the earth, but whom we have learned to revere and venerate for the gentleness and nobility of her heart. (Loud applause.) Gentlemen, I will not detain you any longer. But I cannot sit down without referring to two circumstances connected with the Famine Relief Fund which has been already inaugurated by a public meeting in Bombay. When I heard his Excellency the Viceroy read out the list of subscribers in which European names figured so handsomely, I was reminded of the fact that the Bombay list also shows large, liberal and generous donations from Europeans and European firms. The other circumstance to which I wish to allude is even more interesting, We have been admiring for sometime how under the presidency of the Metropolitan, who is present

among us, Christian prelates have shown that true and earnest Christian conviction is not incompatible with broad-minded, liberal and generous toleration and sympathy. (Cheers.) In this spirit, the Lord Bishop of Bombay has thrown himself heart and soul in working for the famine fund, and under his guidance a long string of offertories from a number of Christian Congregations swell the subscription list. The Maharajah of Darbhanga claims charity as a peculiarly Hindu function, Mr. Abdul Jubbar says it is one of the most sacred injunctions of the Koran. Let us then, men of all creeds and religions, vie with one another in raising a fund which will be blessed by all. (Applause.)

SPEECH ON THE INDIAN BUDGET OF 1900-1.

[*The Hon'ble Mr. Pherozeshah M. Mehta, C.I.E., made the following speech on the Financial Statement for 1900-1 at the meeting of the Viceroy's Legislative Council held on the 28th March 1900; His Excellency Lord Curzon presiding.*]

My Lord, I hope my honourable friend the Financial Member will pardon me for saying that this is really too bad of him. He just gives us a foretaste of better things and then he bids us farewell—a long farewell. Hitherto the financial statements placed before this Council have been comparative accounts of realizations of income and of growth or saving in expenditure for two previous years, and approximate estimates based upon them for Budget year. But there was no attempt to go into the heart of things, to discuss the sources of income and heads of expenditure with special regard to the needs, conditions, and circumstances of the country and its varied populations, or to construct a budget, to use the words of a famous finance minister, moulded by art on principles of science. The only things that enlivened the dull monotony of figures in these statements were deep curses at the vagaries of exchange when there was a deficit, and sighs of relief on the elasticity of Indian revenues when there was a surplus. The deeper causes of financial phenomena, or the far-reaching indirect effects of financial operations, were left severely to themselves. My Lord, I venture to say that dogmatism on the stability of Indian finance can never be safely indulged in till the complexity of the problem is thoroughly investigated and guaged. The several interesting discussions which radiate my honourable friend's Financial Statement of this year indicate what might have deen fairly expected of him if we had succeeded in impounding him for the full term of his office. As it is, he has only succeeded in giving us a taste of the sufferings of Tantalus. When listening to the terse paragraphs,

clothed in apt langauge and sounding almost like judicial summings up, in which he expounded the currency problems and the 16d.-rate of exchange, it was impossible not to wish that he had gone on to furnish us with his views as to whether the measures for securing a stable exchange had cost the country anything and that, whether the deficits owing to exchange were not turned into overflowing surpluses by the difference having come indirectly from the pockets of the people, whether it was not the indirect impoverishment caused by the stoppage of the mints which perhaps intensified the inability of the people to stand the strain of the present famine. These are problems which are not only interesting in themselves, but they demand solution before it is possible to come to any useful or positive opinion about the real character and solidity of the existing state and condition of Indian revenues. But the question which I should like to have seen dealt with above all others, is the question whether the financial condition of the country can be regarded as safe if, as is sometimes alleged, land in large provinces is unable to bear the burden that is imposed upon it. Is it true that the effects of famine are hastened and intensified by the decline of staying power in the ryot owing to over-assessment? Of course nobody denies what is sometimes so passionately urged that the immediate cause of famines is a scarcity of rainfall. But surely it is possible to conceive that a failure of crops one year does not necessarily involve starvation, if there was some balance in hand of past years to tide over the calamity, just as a mercantile firm does not necessarily become insolvent because there have been heavy losses in one year. It is therefore a question of the most vital importance to ascertain whether it is true that there is this want of staying power, and if there is, if it is in any way due to faults in the existing systems of assessing or collecting revenue, if it is due to excess of assessment or rigidity of collection. On more than one occasion I have ventured to draw the attention

of the Council to this important topic. That the ryot is deeply in debt, scarcely any one denies. With regard to the Bombay Presidency, Sir Theodore Hope admitted in this Council that 'to our revenue system must in candour be ascribed some share in the indebtedness of the ryot.' The Deccan Agriculturists' Relief Act Commission emphasized this opinion by reporting 'that there could be no question that the rigidity of the revenue assessment system is one of the main causes which lead the ryots of the Deccan into fresh debt. In answering my contention on this point on the first occasion, Sir James Westland replied that the only opinion I could cite was the opinion of a very distinguished official who retired eighteen years ago. When, on the next occasion, I pointed out that the still weightier and more matured opinion of the Commission was not eighteen years old, Sir James said 'that as the revenue officers had admittedly powers of remission and suspension, it must be assumed that if they did not exercise them there was no need to do so.' The answer to this is simple. These powers existed in Sir Theodore Hope's time, and when the Commission made its enquiries. And in spite of that, both these authorities, mostly official, arrived at the conclusion that rigidity of the revenue system was undoubtedly one of the causes of the ryot's indebtedness. With regard to the question of over-assessment, it must be remembered that it is not simply a question of absolute excess of assessment, but also whether the assessment leaves a sufficient margin for saving. As was pointed out by Mr. Cotton, 'if a bare margin for subsistence alone remains, the result is that indebtedness extends year by year, and famines recur with ever-increasing severity.' In one of Sir Louis Malet's minutes on Indian land revenue, he lays stress upon the marked absence of any adequate accumulation of capital upon the soil, and (as a consequence) of any sufficient appropriation of such capital to purposes of agricultural improvement, deficiency of stocks, of manures,

often of seeds and implements, as tending directly to a progressive pauperisation of the ryot. That these opinions cannot be altogether scornfully rejected is painfully brought home to every student of the question by a perusal of the selections issued from time to time by Government of papers relating to the periodic surveys and settlements of talukas. It is evident that re-settlement is carried out in a most empirical fashion, without being regulated by well-ascertained and definite principles. A writer well acquainted with the matter has described the procedure of revision operations as follows. The settlement officer surveys the lands and generally discovers some under-measurements. A fallow piece of land here, or a rocky stretch there, or a marsh at another place, reclaimed at some cost and labour,—all such attract his attention, and the measurements are thus increased. Then he proceeds to register his reasons for enhancements. There is a railway newly built in the neighbourhood, there is an increase in the number of tiled houses and of cattle, there is a new bazar begun to be regularly held, there is a school and children, and so on and so on, till everything is included which by hook or crook can show that prosperity has increased. It is said that even sending delegates to the Indian National Congress has been used as an argument for a revision of the settlement. Then comes the mention of any canals or tanks built by Government and of the fact, if it exists, of water being found at a certain level by some ryots who had been fools enough to dig wells. There is hardly an attempt to enquire whether the farmers themselves have shared in their outward prosperity. Then there is a speculative and perfunctory enquiry as to the general yield, and the end of it all is a recommendation for generally raising the assessment rate from 50 to 200 per cent. at one sweep. It will be thus seen that however conscientiously pursued, these operations are in their very nature empirical, uncertain, and indefinite. In making these remarks I do not mean to advocate a

permanent settlement like that in Bengal. But it is well worth considering whether the scheme recommended by the Government of India in the time of Lord Ripon, under which assessments would be revised only in the case of a general rise of prices or of improvements made by the State at its own cost, does not deal with the question in a more reasonable and scientific manner. Under such a scheme the 'unearned increment' would be saved to the State, but it would be automatically measured by the rise in prices which would include all the sources of its growth. My Lord, I am not putting forward these views as incapable of being controverted; on the contrary I think that they are sometimes pressed with intemperate exaggeration, and I also know that opposite views are stoutly and forcibly maintained. But, my Lord, the issues involved in a settlement of this vexed question are momentous; they involve the pressing problem of the perpetual indebtedness of the vast agricultural population of the country; they anxiously concern the grave fact admitted by the last Famine Commission that the condition of the immense majority of the agricultural labourers, who, it must be remembered, are not merely labourers, but who alternately labour for others as well as work fields on temporary leases, has seriously deteriorated; they may have a close connection with the increasing severity of recurring famines if assessments do not leave a sufficient margin for rainless days. It may be that the views of the pessimists may be erroneous; but I believe, my Lord, they are honestly and sincerely held, and there is a sufficiently large consensus of opinion in their support to prevent them from being scouted as utterly visionary or unfounded. Under these circumstances I respectfully venture to submit for the serious consideration of your Lordship, if it would not be an act of provident and sagacious statesmanship to take measures for a full and exhaustive investigation of these questions, by means of a commission empowered to deal with them in all their varied aspects. I make this

suggestion, my Lord, in a spirit of earnest and sincere loyalty, not less earnest and sincere perhaps than that of those who talk more of it.

And now, my Lord, I have only to offer a few remarks on the details of this year's Budget. I felt very grateful to my honourable friend when he announced that all famine expenditure for the closing and coming years was undertaken by the Government of India, though indeed I do not know how otherwise the insolvent exchequer of the Bombay Presidency at least could have met the demand. But after this announcement, it was somewhat startling to be told that the Budget year was estimated to close with a surplus of 24 lakhs, small no doubt, but still a surplus. It was difficult not to feel that with the heavy calls, direct and indirect, entailed by the severe and widespread famine that has cast its dark shadow on the land, such a result was too good to be real. There are circumstances connected with the Budget estimates which are calculated to raise serious misgivings. Land revenue is estimated to fetch one crore and 30 lakhs more than in the revised estimates for last year, and within 30 lakhs of the accounts for 1898-99, and within 50 lakhs of the Budget estimate for what was expected to turn out a most prosperous year, *viz.* 1899-1900. Considering the severity of the famine and the enormous loss of cattle that has taken place, is not this too sanguine an estimate, and may it not be the indirect means of pressing hardly in the matter of remissions and suspensions? It may be said, how can arrears be recovered if the ryots are not able to pay them? The answer is that this inability need not always be absolute but is often only relative, and without always entailing immediate insolvency, may mean increased indebtedness, gradual impoverishment, and reduced staying power for the future. Then again, I do not find anything either in the statement or accounts regarding plague expenditure for the closing year or the Budget year. Besides the imperial contribution

on account of plague expenditure for 1898-99, I believe that provision to the extent of 12½ lakhs was made, so far as the Bombay Presidency was concerned, for similar expenditure in 1899-1900. There is nothing to show what has become of that amount, whether it has been absorbed in the expenditure, or whether any portion of it is intended to be distributed to the different municipalities in the Presidency as was done last year. There is another circumstance which makes the estimated surplus of 24 lakhs still more unreal. In paragraph 75 of Mr. Finlay's Memorandum, referring to reduction of expenditure on Civil Works for 1899-1900, he says that 'the Civil Works savings in the other provinces (other than Assam and Burma), varying from Rs. 14,57,000 in Bombay to Rs. 5,62,000 in the Punjab, may all be taken as being the result of the efforts of Local Governments to reduce ordinary expenditure, to provide funds for the famine and to a small extent for the other provincial needs.' In paragraph 114, speaking of the Civil Works estimate for 1900-01, he says 'large reductions have been made to help the Local Governments to secure equilibrium in the Provincial revenues,' enumerating among others Rs. 13,79,000 in Bombay, Rs. 10,57,000 in the Punjab, and Rs. 5,31,000 in the Central Provinces. In speaking on last year's Budget in this Council, I deplored the grave consequences of reducing Bombay Civil Works expenditure from the moderate average of 36 lakhs to less than 27 lakhs in 1897-98, and to 29 lakhs in the Budget for 1898-99. And now, for 1899-1900 and 1900-01, it is cut down at one stroke to absolutely one-half of the amount. My Lord, I cannot help saying that the prospect before this sorely stricken Presidency is one not to be contemplated without dismay, and I cannot help thinking that the 24 lakhs would be better employed in going to the help of the Bombay exchequer than in figuring as a surplus.

Gloomy as the situation thus is, I confess, my Lord, I feel some difficulty in reconciling myself to the sugges-

tion that there might be a grant to India from the British treasury. The exchange of private charity between the subjects of her Majesty in England and India can be open to no objection; on the contrary it draws hearts closer together. India has gratefully appreciated the generosity of the British people in coming to the help of the afflicted by their liberal subscriptions during the famine of 1896-97 and during the present famine. But a public dole stands on a different footing and cannot fail to carry with it a sense of humiliation. In that way, India would fain appeal to England's sense of justice rather than of generosity. I never cease regretting that the Government of India has lost to the country a contribution from the British exchequer on account of the last frontier war. It was a work of joint imperial cencern, and a division of the cost would only have been just. There is still another way in which England can justly come to the help of India. While the Welby Commission is pending, I do not wish to speak of the vexed question of the apportionment of military charges between England and India. But while the present system still flourishes, it is only just that the same principles which govern the War Office in levying charges for British soldiers from the Indian treasury from the moment of their recruitment should also govern the repayment of troops taken from India to serve abroad. It has been a matter of joy and pride to this country, as the remarkable outburst of feeling throughout the country has shown, to have been able to go to the help of England with such splendid soldiers as your Lordship was able to dispatch with such promptitude, and at the same time also to remember that the great general who is now leading them on from victory to victory belongs solely and entirely to this country. I know that both the ordinary and extraordinary cost of these troops is to be repaid out of the British exchequer. What I wish to point out, however, is that on the principles hitherto enforced against India, the cost which

ought to be repaid is their entire cost from the recruiting depot till now, except the cost of the period when they might have been engaged in actual fighting in India.

There is one other way also in which England can justly come to the help of India, and that is by guaranteeing her loans. My Lord, the fates of England and India are inextricably woven together, and nothing can be lost by recognising so patent a fact by the formal seal of a guarantee. On the contrary it would bring the two countries together in a bond still closer knit even than now.

SPEECH ON THE BOMBAY BUDGET OF 1900-1.

[*At the meeting of the Bombay Legislative Council held at Poona on the 24th August 1900, the Hon'ble Mr. Pherozeshah M. Mehta, C.I.E., made the following speech on the Provincial Financial Statement.*]

With your Excellency's permission I should like to add to what has so happily and appropriately fallen from your Excellency, one word of personal grief and regret at the loss we have sustained in the sudden death of our honourable colleague Mr. Nugent. My Lord, I was associated with him in this Council ever since the Council began the discussion of the Budget in accordance with the reformed Councils Act of 1892. We have had many passages at arms with perfect good humour, and the robust liberality which he brought to bear on every question was one that it was impossible not to admire. I may be permitted to add a word along with some of the members who have spoken, not only in lamenting the loss of a most useful public official, but in deploring the loss of a valued and dear private friend. My Lord, as I have said, I was associated with him in Council ever since 1893 when the Budget began to be placed before this Council under the reformed Councils Act. Then Mr. Nugent was not the Revenue Member of the Bombay Government, but it was his fate soon to become such and it was his fate almost entirely to have very adverse Budgets to deal with. But the cheerfulness which he brought to bear on all discussions of financial matters brightened the debates in the Council and enabled members to deal with financial questions in a way which I believed gained the approbation of the President.

I have said that he had to struggle with adverse Budgets almost from the beginning, and on this occasion when we are so full of famine and plague and the calamities which have befallen this Presidency owing to those dire disasters, I am very anxious that we should

not forget that the adversity of those Budgets was rather, in the first instance, due to the inadequacy of the assignments which the Imperial Government has been making to this Presidency under the revision of the provincial contracts. This is the fourth year of the current provincial contract, which began in 1896-97, and I think your Lordship must be aware by this time that at the time of the revision the Honourable Mr. Nugent struggled hard to obtain from the Imperial Government a further assignment of thirteen lakhs a year. Unfortunately the Imperial Government did not see their way to give him such a further assignment, and I venture to say that the ordinary difficulties that the Provincial Exchequer has had to deal with during the period of this contract, have not been a little owing to that circumstance. In the Financial Statement before us, Mr. Nugent has pointed out very carefully how the proportion between the revenue and the ordinary expenditure falls short of the assignments made by the Imperial Government. It is perfectly true that the Imperial Government has had to bear all the direct famine charges and a considerable portion of the plague charges, and I quite agree with what has been said in the Financial Statement that we ought to be very grateful to the Imperial Government for the enormous sums which they have had to disburse in this Presidency, in consequence of the direct famine and plague charges. I am not quite prepared to say that we should be thankful to the Imperial Government for their *generosity* in this matter, for we have to remember that, supposing there was no system of provincial contracts, the Government of India would have had, if there was nothing left in the Provincial Exchequer, to bear all those charges and at the same time carry on the current administration of the Presidency. Indeed the rules of 1881 regulating the relations of the two Governments under the contracts expressly provided that the Local Government was not liable for famine emergency except to the extent of two-

thirds of its funds in excess of the minimum balance; so that the Supreme Government has only discharged its proper liability in bearing famine charges. Therefore I think the word generosity is, perhaps, a word that is not quite apt. But I am still bound to say that we have been very grateful indeed for the keen sympathy and great liberality with which the Viceroy, Lord Curzon, has assisted this Presidency in the dire circumstances in which it had been placed through famine. He has never spared one rupee in fulfilling the pledge which he gave when his Lordship first made his statement of the famine policy of Government, that nothing would be grudged for the purpose of saving life. I think it is due to the Government of India and the head of that Government to acknowledge that the pledge has been most unstintedly carried out. The Hon'ble Mr. Monteath has told us the enormous sums—I think he has told us it was $3\frac{3}{4}$ crores—disbursed in direct famine charges in regard to this Presidency. But though it is perfectly true that the Government of India have been very liberal in this respect, still in regard to the current expenditure, the treatment which they have accorded to the Bombay Presidency is not, I venture to say, what it had a right to expect from the Imperial Government. Mr. Nugent, in the Financial Statement he has left us, has pointed out that the ordinary revenue and expenditure have not been able to balance themselves in consequence of the inadequate assessment which the Imperial Government made by the last provincial contract. In the first paragraph of the Budget it is pointed out that 'the year 1898-99, which was the second year of the current provincial contract, opened and closed with balances of 5,00 and 15,04, respectively,both these balances being, as honourable members are aware, supplied by special grants from the Government of India. The total revenue of the year, inclusive of an aggregate Imperial contribution of 48,75 for grants-in-aid of plague expenditure and Provincial resources, amounted to 4,61,62 as compared

with 4,29,98 and 4,62,64 entered in the Budget and Revised Estimates. The ordinary revenue showed a moderate improvement over that of the preceding year. Measures of famine relief, which were unavoidably continued in several tracts till late in 1898, and operations in connection with the plague, which included large subventions to local bodies in aid of their outlay, caused an expenditure—direct as well as indirect—of 41,90. Inclusive of this sum the total expenditure amounted to 4,51,58 against 4,29,19 and 4,52,64 anticipated in the Budget and Revised Estimates. If we exclude on the one side the expenditure on account of the two calamities, plague and famine, and on the other the special imperial contributions referred to above, the ordinary revenue and expenditure aggregated 4,12,87 and 4,09,68 respectively. This small surplus of 3,19 was an improvement upon the Budget Estimate of 1,84 and was only attained by rigorous economies of expenditure.'

Now your Lordship will observe that this result was obtained, as we know, by sacrificing what was at one time considered an indispensable thing for the healthy condition of the Provincial finances, namely, the irreducible minimum balance of 20 lakhs. It has always been laid down as a principle of sound financial policy of a Local Government that they should so contrive their budgets that there should always be an irreducible minimum of twenty lakhs. Those twenty lakhs, so far as the Bombay Presidency is concerned, have disappeared altogether, and the only adjustment of revenue in 1898-99 was that there was a small surplus of 3½ lakhs; but that surplus, as Mr. Nugent points out, was obtained by 'rigorous economies of expenditure.' We could only get on by small contributions from the Imperial Exchequer and were able to open the year with a balance in consequence of the contributions of 5 lakhs and 15 lakhs by the Government of India. In regard to 1899 and 1900 it is pointed out that 'if the Imperial assignments referred to above and the indirect famine charges (8 lakhs) and

all plague charges (17,46,000) be left out of account, the ordinary revenue is expected to fall short of the ordinary expenditure by 23,58,000,' so that your Lordship sees that in this year again, leaving out famine and plague charges, the province was unable to balance its ordinary revenue and expenditure and that too, though rigorous economies had been practised in the previous year and have had to be practised in the year here mentioned. Then in regard to the Budget year it is pointed out: 'The Imperial Treasury have undertaken the enormous burden of direct famine relief at an estimated cost of 2,47,92 and have made an assignment of 33,40 to cover our deficit. In this assignment may be included 17,71 for plague charges and 9,30 for indirect famine charges. If the estimated transactions on account of plague and famine be discounted, the ordinary revenue still falls short of the ordinary expenditure by 7,71. No provision has been made for grants to local bodies in aid of their plague expenditure pending consideration of the proposals of district officers on the subject. It is obvious that in this position it has been necessary to cut and pare our administration to the quick; and we are compelled regretfully to omit provision for numerous urgent wants, which to people in happier circumstances might well seem indispensable necessities.' Thus your Lordship sees that in consequence of the inadequate assignment which the Imperial Government made to us on the revision of the current contract, the Presidency has not only given up the irreducible minimum of 20 lakhs, but they have always been on the wrong side of the account. I should like to call attention to the paragraph which immediately follows (paragraph 5), and I must confess that I was not a little startled, knowing the history of the transaction referred to in that paragraph, to read what is there stated. Your Lordship is perhaps aware that when the Bombay Government was, if I may so use the term, taunted in this Council with having a large surplus and not spending it, Lord

Harris, in the first year when the Budget was placed before this Council, took it as a matter of pride that they were following the policy of spending the surplus balance, and one thing that he particularly mentioned was that they were going to spend 16 lakhs on the provincial railway (Hyderabad-Umarkot). That contribution from the Provincial Surplus was enhanced by a contribution from the Local Funds. We always were under the impression that this provincial line was an asset in the hands of the Provincial Exchequer, defrayed out of the surpluses which they had been able to accumulate by the careful system followed in developing the revenue of the Local Government. But it is startling to find that under the arrangement with the Government of India, referred to in the paragraph, the whole line is now declared to be an imperial concern without giving back the sums spent by the province upon the line. It is true it is pointed out that supposing the claim of the Bombay Government to recover that amount was admitted, it would be all sunk in the enormous contributions which the Government of India have made for famine, plague and other things. Well as a matter of principle, it seems to me that the Government of India ought to acknowledge that so far as this line and the money invested in it are concerned, they are assets which belong to the Provincial Government, and on that account it is the Provincial Government which should receive, if the railway is taken over by the Imperial Government, the amount spent from Provincial funds in building that railway. That is only in passing, and I go back to what I first pointed out, that the dislocation of the Provincial Budget is not simply owing to famine and plague, but to the inadequate assignments that the Bombay Government was able to secure after a great struggle at the time the provincial contract was revised. My Lord, it seems to me that the time has come when this Government should protest most strongly against the treatment which this Presidency has received from the Imperial

Government in this matter. I would remind the Council of the way in which this Presidency has been treated ever since 1882. The present system of provincial contracts was introduced by Lord Mayo in 1870. It was then very tentative and very imperfect, but it went on until 1877, because there was no limit fixed at that time to the contract. In 1877 the system proved so beneficial that it was turned into a quinquennial contract. Larger assignments of heads of revenue and expenditure were made over to the Provincial Government. It happened that the year was coterminous with one of the great famines that overtook this Presidency, the famine of 1877. That famine so completely exhausted the resources of the Provincial Government that not only had the Government of India to pay all the expenses of famine relief, but to make, as in the present year, further contributions to the Provincial Exchequer for its ordinary expenditure. Then, when the contract was revised in 1882, the Government of India adopted a very wise policy—a policy to which I hope in consideration of all the circumstances they will revert—they gave very favourable treatment to the Bombay Presidency in regard to the contract settled in 1882; so favourable was it—I am almost tempted to say unfortunately, because of the consequence that ensued—that in 1887 the Provincial Government was not only able to assist the Imperial Government by a contribution of 20 lakhs, but was able to build up a surplus of 52 lakhs besides.

This system of accumulating surpluses has been a most unfortunate one for this Presidency, for when the contract came to be revised in 1887, the Imperial Government not only took away the surplus of 52 lakhs but they cut down the future assignment by another 50 lakhs for the whole period of five years. The Bombay Government really lost by having taken care to build up a large surplus, for not only was its surplus forfeited, but its assignments were cut down for the next five years by another 50 lakhs. I am sorry to say that the Bombay

Government did not profit by that experience, and did not see that the best use they could make of their increasing revenue was to spend it on the moral and material progress of the Bombay Presidency. In the year 1892, again we still built up another surplus of 40 lakhs, and that too after giving a contribution to the Imperial Exchequer of 17½ lakhs. We did not utilise our surplus though we had obtained it by careful management of our revenue, and the result was that when the contract was revised in 1897, though the times were then exceedingly bad, because plague had already declared itself in 1896, and famine had already declared itself in the latter part of 1896, much the same terms were given to us. A further assignment which, I believe, the late Mr. Nugent or the Government of the day said was absolutely necessary for the needs and requirements of the Presidency was not given to us, and that is the reason why, so far as the ordinary revenue and expenditure are concerned, we are absolutely now in the same position as before, and are living, so to say, on the charity of the Government of India. I am afraid we must confess that the Bombay Government have to thank themselves for this state of things. What I mean by that is, that while their policy was by efficient administration to foster, expand and increase their revenue, unfortunately they did not spend the increased revenue upon the needs and requirements of the Presidency. There were many occasions upon which, as I ventured to submit upon previous occasions, the Bombay Government could have usefully spent the surplus upon the moral and material progress of the Presidency. One thing for example, to which I have more than once solicited the attention of Government, relates to the further re-organization of the mofussil police force. I know that recently a sum of six or seven lakhs of rupees was appropriated for that purpose. But much still remains to be done. I have frequently brought it to the notice of the Council—and Sir Charles Ollivant will bear me out in that respect—that

the police as at present organised are absolutely unable to check dacoities. I am not speaking of large and sensational dacoities, but small dacoities which are constantly taking place throughout the whole of the Presidency. It is impossible under the system of police organisation in the mofussil for any villager to prevent his being dacoited if only four or five or six men combine for the purpose of looting his house. Under the Arms Act these villagers are unarmed, and the consequence is that they cannot resist five or six men if they are armed. Dacoities have really spread throughout the whole of the Presidency, and sometimes have reached large dimensions. This is one object for which the large surplus built up by the Bombay Government might have been most usefully appropriated.

There is another reason which urgently demands the reform of the police. Your Lordship must have recently read in the papers an observation of a sessions judge in dealing with a case of police torture, in which the judge—Mr. Beaman—has pointed out that torture is one of the common adjuncts of a police enquiry. In old days, I remember, when we used to harp upon the prevalence of torture, we were told that we were simply exaggerating. There was a case here and a case there, but it was by no means so prevalent as to be a common adjunct of police investigation. High judicial authorities and sessions judges in all parts of the Presidency have now made this admission, that so far as crimes are concerned the police do not detect them but they commonly resort to torture leading to the ordinary evidence which is placed before all criminal courts, namely, confessions. As I pointed out last year, unless in this country confessions are made absolutely inadmissible it will be impossible to put down torture to which police officers resort rather than go through the arduous process of detection. To reform this state of things the police must be organised from a different class of men. Subordinate officers, such as head constables,

chief constables, and inspectors should be taken from a better and higher class of men. I admit it must lead to additional expenditure, but it is an expense entirely justified by the reform and amendment that will take place in the administration of justice and the protection of property throughout the Presidency.

Then again, in regard to education, our surplus could have been spent very usefully on certain urgent educational objects. We struggled for a long time in regard to the reform of the Law College, and it is only latterly that certain changes have been introduced. Even the University, which was receiving merely a contribution of Rs. 5,000 to Rs. 10,000, had its allowance cut down, because as we were told in Council the financial exigencies of the Presidency were such that even that sum could not be spared for its educational needs. Again, Lord Sandhurst when he came out to Bombay took a very great interest in primary education as his predecessors had done before him. He went personally to inspect the buildings of primary schools in the city of Bombay. He found them so thoroughly squalid and miserable that he laid it down as one of the chief objects to which he would devote his attention during his administration that the city of Bombay should secure good buildings for its primary schools. The Municipality was ready to meet his Excellency in this matter more than half way, and a scheme was laid before Government for a loan under which the contribution for interest and sinking fund would have thrown a burden of Rs. 15,000 on the Corporation and of Rs. 15,000 on the Provincial Exchequer. But Government declined to entertain the proposal, because even with the surplus I have mentioned, they considered the financial condition of the Presidency to be such that they could not guarantee to undertake a permanent liability of that character for some years. Such was the policy of the Bombay Government in regard to utilising its surpluses. The surpluses were, therefore, naturally, at the revision of every contract

carried away by the Imperial Government. But while they were not utilising the surplus due to the expansion of the revenue on works of utility in the province, they were unceasing in their efforts to increase the revenue in every possible way.

In no direction have their efforts been more unremitting than in that of land revenue, and surveys and settlements have steadily pressed up the assessment on land. We have been raising our voices for several years in regard to the rigidity of the Bombay Revenue system, a rigidity which was admitted by one of the most distinguished revenue officers this Presidency has ever had, Sir Theodore Hope. He admitted that the Bombay system was so rigid that it was largely responsible for the chronic indebtedness of the ryot. The Deccan Agriculturists' Indebtedness Commission have pointed out the same defect. I know that the revenue officers of the Bombay Government have resented what they consider a reflection on their system; but the bias of bureaucratic one-sidedness must weigh heavily upon them. My Lord, I venture to say that so far as the land revenue system is concerned, this Government took a fatal step when in 1876 it passed what is known as the Bombay Revenue Jurisdiction Act—an act by which the limited and partial jurisdiction which civil courts had over the proceedings of revenue officers, was taken away. It was predicted at the time that the result of that course would be that with every desire to be honest and conscientious, to be kind and sympathetic to the agricultural peasant, over-assessment was inevitable. That Act was undertaken by the Bombay Revenue Department in consequence of a Ratnagiri case in which the revenue officers were found unable to support the assessment they had placed on certain land. This case led to the introduction in 1873 of a Bill to take away the jurisdiction of the court. Then in 1876, while the Bill was still pending, came the famous Kabilpur case which led to an exposure of the harsh ways of revenue officers,

In that case Mr. Birdwood, who decided it, pointed out that the revenue authorities had ridden roughshod over the rights of the ryots. This case went on appeal to the High Court. The judges who presided at the hearing were Sir Michael Westropp, one of the most distinguished Chief Justices we ever had, and Sir Maxwell Melvill, who was afterwards one of the most distinguished members of the Executive Council. It was pointed out that the inevitable result would be that the land in the Presidency would be over-assessed, not by the desire to press hard on the agricultural population, but in the nature of things while human action was guided by human feelings and sentiments. Referring to the allegation that had been made that the civil courts were really meddling with the details of assessments, the Chief Justice said: 'They have with much astonishment learned that such an opinion is held in a quarter which is entitled to better information; had such a jurisdiction been ever claimed by the court, it would have been asserted in the Kanara case. The Revenue Department, when acting within the bounds of the liberal discretion which the law entrusts to it, cannot be interfered with by the civil courts. It is only when it passes those bounds and violates the rights of property, or otherwise transgresses the law, that the courts can interpose. Those who wish well to the preservation of British power and honour in the east, and whose field of view extends beyond the frontier of a department, will not desire that this limited and salutary power of interposition should be destroyed or impaired.' And later on he said: 'In conclusion, we must hope that the facts of this case were not fully known to those members of the Revenue Department on whose advice the assessment of this village of Kabilpur has been nearly quadrupled. Such an absence of knowledge, however, would indicate a system of imperfection so imperfect, perfunctory and one-sided as, if not liable to judicial supervision, must endanger the rights of property. Of that system we

regret to say that this case would be no isolated instance. We are reluctant to think that the alternative hypothesis could be true—namely, that notwithstanding an ample knowledge of the facts (which have been so satisfactorily established in the District Court and here), there could have been so much indiscreet over-zeal for the revenue as to induce any officer to manifest such a deliberate disregard for justice as it would be painful to think could be possible under British rule. A recurrence of similar cases would go far to shake the belief of her Majesty's subjects in this country in the permanence of any landed property whatsoever.'

Now, my Lord, in spite of the protests of the whole Presidency and of its judiciary and of its press, the Act was passed. It placed the revenue officers in a one-sided position and the result we see in the condition of the agricultural population to-day. The policy of 1876 was a reversal of the wise policy introduced into this Presidency by one of the most sagacious administrators that ever presided over its destinies—Mountstuart Elphinstone. When he had to deal with this question of revenue assessment, he gave to the older provinces a system under which they could, within limits, appeal to civil courts against over-assessments. In regard to the provinces recently acquired in the Deccan, the Maharashtra, he introduced a temporary system, but with the condition that in course of time they should have the system which had been introduced in the older provinces. In 1876 that policy was reversed, and the temporary system introduced into the new provinces of the Maharashtra was really made permanent and applied to the older provinces. Under that system it was impossible not to have foreseen the result which has followed—over-assessment.

Look at the condition of the agricultural population of the Presidency. We are perfectly familiar with the chronic state of indebtedness under which the Deccan ryot lives. Legislation was necessary to deal with his

chronic state of indebtedness, and we have on the statute book the Deccan Agriculturists' Relief Act. Gujarat and the Northern districts were supposed not to be in need of it, but I venture to say this present famine has shown, in spite of what has fallen from Mr. Monteath, that Gujarat must be taken to be a province in which, so far as the large mass of the people are concerned, they are living from hand to mouth ; otherwise it is impossible to explain the phenomenon that one famine should have brought them so utterly to the brink of distress and starvation to which we know they have been reduced. In making these remarks I would like to add in common with all those who know anything about the matter, that I entirely appreciate the self-sacrifice and devotion with which Government officials have worked in all parts of the Presidency towards carrying out measures of famine relief. I see before me a member of the Council with regard to whom no words of praise would be too many for the zeal, devotion and sympathy with which he has carried out famine work in the division of which he is the Commissioner. This praise must be extended not only to the Commissioner himself but to the hard-worked Collectors, who have laboured under him in a spirit of zeal beyond all commendation, and the same must be said of officers in other parts of this Presidency. While making my remarks against over-rigidity of the revenue system, I must not be understood to cast any reflection upon the zeal and devotion of the officers of the Revenue Department in the way they are doing their work. I am trying to point out that it is not the fault of the officers but of the one-sided system under which they work, and which has led to this condition of chronic indebtedness in the Presidency. Between the Government and the sowcar, who has been acknowledged even in the Viceroy's Council as a necessary and even useful product of the revenue system, the ryot is absolutely nothing more than, I was going to say a serf but perhaps that would be considered an exaggeration, but merely a

labourer who is living upon doles such as he may get out of the exactions by the one party or the other. I believe that is the consequence of the pernicious system which was crowned by the passing of the Act of 1876. I think it is time this Government should enquire into the statements which are made in regard to this matter. I do not say your Lordship's Government should at once accept the allegations of over-assessment, which are, however, made by men entitled to speak on the subject. I think the time is come when the Bombay Government should enquire if there is any substantial foundation for them or not. This Presidency has grievously suffered under the calamities of plague and famine. Since 1896 we have had absolutely no rest, no peace, and no refuge. Providence has unceasingly showered these evils upon this Presidency, and all we can do is to bear them with equanimity and patience. These calamities may, however, be the means of doing one great good to the Presidency, it would be a painful thing indeed if they were to pass away without inducing Government to try and discover if the statements made as to the condition of the agricultural population are well- or ill-founded. Let us hope that at least this good may come out of the evil through which we are passing. I do not think I can usefully detain the Council by going into detailed criticism of the Budget at a time when Government can find no anna or no rupee to meet any suggestions, however good they may be. That must be reserved for a time of greater prosperity; at this time I only crave for my suggestion the earnest consideration of your Lordship's Government.

SPEECH ON THE BOMBAY PORT TRUST BILL.

[*The following speech was made by the Hon'ble Mr. Pherozeshah M. Mehta, C.I.E., on the second reading of the Bombay Port Trust Act Amendment Bill at the meeting of the Provincial Legislative Council held on the 12th February 1901.*]

After the remarks of the Honourable Mr. Moses and the Honourable Mr. Greaves, I am bound to make some observations although I am sorry to inflict my voice upon the Council. My Lord, I entirely concur with the Honourable Mr. Moses and the Honourable Mr. Greaves when they say that trade and commerce should not be hampered or unduly weighted. I quite concur with them that in the prosperity of the trade and commerce of the city lies the prosperity and welfare of the city itself, and that nothing should be done to impede its legitimate development and progress. But this Bill does not aim at doing anything of that mischievous character at all. What is the object of this Bill? The Council will remember that in the first place it owes its origin, as the Honourable Mr. Moses rightly said, to the request of the Corporation that the three important bodies in Bombay should contribute towards the expenditure which had been necessitated by the visitation of the plague; these three bodies being the Government, the Corporation and the Port Trust. It is not necessary now to deal with the matter so far as the Government are concerned. The Municipality of course bears the larger share, but surely, my Lord, if a large portion of the plague expenditure was necessitated by the position of the trade and commerce of the city—if it was in the interests of the city that a large part of it was incurred, surely it is only right and legitimate that the body for which it was incurred should contribute towards it. As has been pointed out by my friend the Hon'ble Mr. Ibrahim and as is perfectly well known, if money had not been lavishly spent, whether it were effective or not, and if it had not been shown that everything that was possible

to be done was being done to check plague, the trade and commerce of the city would have been in a most deplorable condition. Bombay would have been shut against Europe and perhaps the whole world. Then what would have been the state of the finances of the Port Trust? I wish the Hon'ble Mr. Greaves and the Hon'ble Mr. Moses had devoted themselves somewhat to that question. That the case would have been as I have indicated, is borne out by no less a person than the gentleman who has presided so ably and with such distinction over the Port Trust for several years—the Honourable Mr. Hughes. When the City Improvement Trust Bill was before this Council, it was pointed out that one of the greatest reasons for hurrying it forward was that the confidence of the traders might be restored. On the first reading of that Bill, Mr. Hughes in one passage of his speech said:—'I have only to add that I was quite recently asked if this was only a paper scheme, or does it really mean business. Being as it is no mere paper scheme, but one of very real intentions, it has been impressed upon me that no time should be lost in making a start with the improvements, as I am told such a step would go a long way to increase confidence on the part at least of foreign traders. I earnestly hope, therefore, that the Bill will pass the several stages with as little delay as is compatible with its due consideration.' Well, my Lord, it was to restore the confidence of foreign traders and in the interests of trade and commerce in Bombay that a large proportion of the plague expenditure in Bombay was incurred. It is quite right, my Lord, that it should have been done, but I do not think the Port Trust should now come forward and say that 'We in whose interest it was that a large proportion of that expenditure was incurred, should not be asked to defray any portion of that expenditure.' I think, my Lord, Government would have been perfectly justified in bringing forward a Bill directly making the Port Trust responsible for a portion of this large plague expenditure, but they have not done anything of the sort,

Even with this very powerful argument before them Government have not come forward, as the Honourable Mr. Greaves and the Honourable Mr. Moses apprehend, to put in the thin end of the wedge. All that Government have done is to alter the position in regard to the Port Trust that was taken up in 1888 as only a rough and ready way of settling a somewhat difficult question. When the Municipal Act of 1888 was before the Council, the question arose of how the Port Trust were to be treated in regard to rates and taxes. Even then my honourable friends have forgotten that they were treated with great consideration undoubtedly in reference to the question of rebate. Of course it is said that they pay rates and taxes on the assessable value of the property, but how is the assessable value of the property fixed? Not as in the case of the ordinary rate-payers, but in an entirely different way. It is left to the arbitration of Government, and we all know that Government have shown the very greatest consideration to the interests of the Port Trust in the mode they have adopted in driving at that assessable value. I shall never forget, my Lord, an exceedingly valuable memorandum which your Lordship's colleague on the right, who was then Municipal Commissioner of Bombay, drew up on the right principles which ought to be followed in fixing the assessable value of the Trust property. There were strong representations and attempts made to show that the memorandum was not quite right, but every test that was applied to it showed the admirable and perfect manner in which Sir Charles Ollivant had gone into the whole question, had carefully considered and had formulated these principles. Government have not acted up to those principles but have shown the greatest consideration to the Port Trust, so that when it is said that the Port Trust pays the ordinary rates and taxes upon its property, it must be taken with a modification. That body does pay rates and taxes, but on an assessable value fixed by Government after showing great consi-

deration to the interests of the Port Trust. Legislation on that former occasion gave them a rebate of 10 per cent. I ventured on that occasion to point out that the only reason for which a rebate could be properly granted was that, being a large body, the Port Trust would save the Municipality a certain amount in the collection of rates and taxes. But, my Lord, I made calculations at that time and I pointed out, what was never disputed, that the cost of collection would amount to three per cent. I moved, therefore, on that occasion, that though the cost of collection was three per cent., let the Port Trust be treated liberally, and be allowed five per cent. But as the Hon'ble Sir Charles Ollivant pointed out in the speech on the first reading, it was at that time thought desirable that the Port Trust should be treated as leniently as possible. But no principle was established such as was then contended for by the Port Trustees and the Chamber of Commerce, that the rebate of the assessment should be kept at 10 per cent. Considering the circumstances of the city and that, as has been admitted, a large portion of the plague expenditure distinctly benefited the Port Trust, I think your Lordship's Government have done well in reconsidering the whole question of the rebate and in saying that now the Port Trust is firmly established in the city and has been placed upon a sound footing, the time has come when if any extra rebate is given it should be more in accordance with the amount which it has enabled the Municipality to save in the cost of collection. We are not asking for a contribution to the plague expenditure, and if we were, it would be for a very much larger amount than would be secured to the Municipality by means of the reduced rebate; but seeing the position in which the Trust is placed, the time has come when the whole question should be reconsidered and a more just rebate fixed. It is perfectly right that trade and commerce should not be hampered, but I feel confident the Council will see the justice of the proposal which Government are now prepared to place before

the Legislature. My honourable friends Mr. Greaves and Mr. Moses, perhaps, are not aware that the Port Trust in the matter of assessment will still be treated with very great consideration. They are not aware of the old vexed question, because it is petty and forgotten now, and I suppose the only member of this Council who knows anything about it, is my honourable friend Sir Charles Ollivant. It is that under the Municipal Act the Municipality are entitled to levy rates and taxes upon the harbour—the water in the harbour. Harbour in that Act is not defined, but in the definition of the City of Bombay land under water is included. That contingency was not lost sight of when the Bill of 1888 was before the Council, that the Municipality could proceed not only to have an assessable value fixed on the property of the Port Trust, as has been done, but to ask that the vessels and various other things in the harbour should be assessed. But of course the Council knows that in the interest of the prosperity of the harbour the Municipality will do nothing of the sort, for the Municipality has always been willing that the Port Trust should be treated with consideration and leniency.

SPEECH ON THE BOMBAY DISTRICT MUNICIPALITIES BILL.

[The Hon'ble Mr. Pherozeshah M. Mehta, C.I.E., made the following speech on the second reading of the Bombay District Municipalities Bill at the meeting of the Provincial Legislative Council held at Bombay on the 13th February 1901.]

I really did not intend speaking on the second reading of the Bill after the excellent speech in which my honourable friend Sir Charles Ollivant proposed the second reading, a speech full of that liberal conciliation for which he is always so well known, and after the sober and temperate criticism to which the Bill has been subjected by my honourable friend Mr. Gokhale. But my Lord, the remarks which fell from Mr. Desai* made it impossible for any member of this Council who takes a different view from him, not to offer a few observations on what fell from him. If my friend Mr. Desai will pardon me for saying so, I venture to say that his observations on a subject of the very greatest importance are of a somewhat official and one-sided character. When he was speaking yesterday, I could not help thinking that if no other native of this country was capable of realising a full sense of civic responsibility, there was still one who realised it to the fullest and completest extent. I was very glad to see that that was so, and while Mr. Desai was holding forth to us and the people of this Presidency on their shortcomings in the matter of civic responsibility, I wondered whether he put to himself the question whether the class from which he and all of us who take part in municipal affairs in the city and the Presidency come, can only produce one man capable of realising a sense of civic responsibility. It seems to me that if Mr. Desai had put that question to himself, he would have treated this question of local self-government in a far more serious

* A nominated official member who supported the Bill and spoke disparagingly of self-governing institutions.

and responsible manner than he did. This question is of the very greatest and most serious importance to the welfare of the Presidency. The importance of it consists not only in the sense of efficient administration but in the sense of political responsibility. There is no measure, in a country situated like India, to which we can look for the preservation of order, prosperity and safety more than to a right and proper development of local self-government. I am perfectly sure that if my honourable friend Mr. Desai will run his mind over the history of almost every country in the world, ancient and modern, he will find that it has always been recognised that no measure has been fraught with better results to peace and public order than a large measure of independent local self-government. Rome taught us that lesson. Coming to modern times, Prussia, from the fallen state in which it once existed, was raised to the high position it afterwards reached by its great statesmen giving, among other measures, a large measure of independent local self-government to the municipalities. The same lesson was taught by Russia. A more autocratic Government than that of Russia it is difficult to conceive, but there also it has been recognised that nothing is more statesmanlike than to give independent powers to municipalities. The history of France teaches us again the same lesson in more ways than one. It was found that when the French kings interfered with the independence and feeling of the local communes and local bodies, nothing but mischief resulted, not only to themselves but to the State; but wherever they were accorded a large measure of free and independent local self-government, the results were excellent and in the interests of peace and order. No statesman would show greater sagacity than he who would try to cultivate a spirit of local self-government among the people of this country. There is always a substratum of public spirit latent in every individual, and a statesman could not be more usefully employed than in trying to set that public spirit in the

direction of local administration. If the severe indictment which Mr. Desai brought against local self-government in this country were correct, if the sneer—I admit it was a very mild sneer—that he made at Lord Ripon's great Resolution on Local Self-Government—that it was given to people who were not prepared for it;—if the sneer and indictment were correct, what is the logical consequence of Mr. Desai's position? It is this: undo all the legislation that has been passed since 1884, and revert to the previous state of things when the existing municipalities were in leading strings and under official control and management. Supposing we reverted to that state of things, what would be the result? Did Mr. Desai, in framing this indictment of local self-government since 1884, try to realise what was the state of municipal administration and what were the results in that golden age of leading strings and official control? I have often asked myself that question when this question has been mooted, and at one time I drew up a list of mofussil cities in which this sort of administration prevailed, to show what were the results of that administration. Has Mr. Desai realised what was the state of things in those golden times, when there was not even that moiety of elected members which he despises and deprecates so much? The history of mofussil towns tells us that in that golden time there was absolutely nothing done for municipal improvement. Surely that is not a state of things to which my honourable friend Mr. Desai wishes us to revert. This teaches us this lesson: that imperfect and unsatisfactory as has been the state of municipal administration since 1884, it has done far better work than was done in the times previous to 1884, when there was only official control and nothing but leading strings. Since 1884 most of the large cities in the mofussil have undertaken water works, drainage works, improved their roads and set forth improvements in various directions as far as circumstances permitted, so that if ever we look at the efficiency of that administration, the state of things brought into existence

since 1884 has worked far more satisfactorily and given far better results than was the case before that time. But I quite admit with Mr. Desai that the state of things is not as it should be. He attributes all that unsatisfactoriness and imperfection to the want of public spirit among the people, the want of interest among the electors and the want of a sense of civic responsibility among the representatives of the electors. What I have said shows that that cannot be the true explanation. I venture to submit that the full explanation is different. I am not one of those who on every occasion say that the municipalities of the mofussil should be left to do what they like, that there should be no Government control or supervision over them; but on the contrary, my Lord, as you have heard from my honourable friend Mr. Gokhale, as men who have had something to do with the municipal affairs of Bombay, we are not so carried away by the words local self-government. We actually went to the extent of resisting the introduction in Bombay of the system which prevails in the mofussil, under which a large body—the Corporation—would be entrusted with executive functions. We modestly said we should be quite satisfied with a modicum of executive power, that the executive power should be entrusted to a body under the control of the Corporation. Any one who knows anything of the history of the municipalities in the most civilised countries of the world, knows that some Government control is necessary. Even in England the Local Government Board exercises control over all the civic bodies throughout the country. That control is especially necessary in a country like India ; but where I find fault with the legislation which existed even in 1884, is in regard to a matter which is not sought to be abolished by the present amending Act. By all means have control, but do not keep your control on every side of the administrative machinery. All these bodies have a moiety of their number elected and the rest are nominated members, among them being a large number of officials, with

mostly an official president. What is the power which in these circumstances remains with the elected members? I was surprised when Mr. Desai was speaking of the true value of these bodies, that he did not realise that he was not bringing an indictment against the elected members, but against the official and nominated members of municipalities. With the chairman with his casting vote, and the officials of the taluka or the district on the board, and with a full half of the number of members nominated by Government, where does the majority lie? Where does the power lie? Surely the nominated members, the official members, must have great influence, and that influence and power of nomination gives them such a preponderance in the deliberations of these municipal bodies that it is impossible to conceive what measure they could not pass if they wanted and knew how to set about it in the right manner. How is it that these responsible officials, with fully half the number their own nominees, have not been able to do what Mr. Desai admits the municipal bodies have failed to do, in regard to carrying out works of public improvement? On the one hand you have absolutely taken away every reality of power from the elected members. When the Bill of 1884 was before this Council, it was subjected to very severe criticism—and was admitted by the president, then, I believe, Sir James Fergusson—by my friend, who is now a judge of the High Court, the Honourable Mr. Justice Budruddin Tyabjee. He put forward one prophecy and that prophecy has come true. He says in fixing the nominees at one-half it is well to understand what you are doing, and I think these words are memorable and it is appropriate to remember them. He says, my Lord, 'Unless a decisive majority is given to the elected members, I fear that the Bill will be practically worse than useless, it will be mischievous. The real power will still continue to belong to the local authorities, and the present measure will merely continue and practically perpetuate the present system under

the high-sounding name of local self-government. It seems to me that the people will have gained little more than a bare responsibility for the administration of funds and of affairs over which they will have no real control.' My Lord, that has been the mischievous part of the whole affair. By all means, as I say, have the fullest control, but leave them something which would give control emanating from themselves. But they have been given nothing which the official majority cannot have in their own way. Having given them merely the barest responsibility without any real power, you can put upon them the Collector, the Commissioner and the Government, who can undo anything which they may possibly have succeeded in doing and reverse every one of their decisions. We know that the highest authorities on the subject—Herbert Spencer and John Stuart Mill—have pointed out that you must have external or internal checks on the working of these municipal bodies, you must not have both. Lord Ripon in his famous memorandum, pointed out that there must be external control vested in the Government; but it was also pointed out that you must give these bodies some power of control as well as responsibility. To me it is a great disappointment that this policy is not recognised by Government. As I said before, I am not one who goes in for independence free from all control, but you must give these bodies some sense of responsibility—some real possession of power before you can really apply to them the principles of municipal administration. That brings me to the conclusion that the imperfect and unsatisfactory character of the working of these municipal bodies arises not from a want of the sense of civic responsibility, but from the sense of their utter impotency which the elected members feel in the present circumstances. You can never acquire a sense of responsibility if you feel that there is nothing for which you can be held responsible—nothing that you can do for which your responsibility can be called to account. Unless we have that sense of

power and that sense of active responsibility, public spirit cannot be created and it is no wonder, therefore, that public spirit to the extent which my friend Mr. Desai wants to see developed, has not been developed. But that is not the fault of the people, because the representatives of the rate-payers are very much men who can rise to their responsibilities, as my friend Mr. Desai has shown in his speech that he would rise. The defect lies in the character of the system which has unfortunately been legislated for. I have made these remarks, one would have said, almost in despair, because by this Act we are not going to get a larger measure of local self-government. But I have still one hope, and it is in that hope that I have made these remarks. The Act fixes the minimum of elected members at one-half; but, my Lord, from the liberal and sagacious statesmanship such as we may well expect from the indication which your Lordship has given of the liberal sympathy which you mean to extend to all administrations in this presidency, the hope arises that it will be possible for Government to see their way to give a more efficient and a more real power to the more prominent of the municipal cities and towns of the Presidency. It seems to me that this is an experiment worth trying. If that experiment fails, we will hold down our heads. But until that sense of responsibility is created and some sense of power is given, I do not think it is right to indulge in such criticism as my honourable friend Mr. Desai has indulged in.

My Lord, I do not want to make any lengthened observations on the second reading, but one remark I would like to make occasioned by some observations that fell from my honourable friend Mr. Gokhale. I would have been in favour very much, of extending to the mofussil municipalities the system of administration which prevails in Bombay. My honourable friend Mr. Gokhale is of opinion that the same system prevails in other capital towns. The only place in which that system prevails is Bombay, and I am surprised that my honourable friend

Mr. Gokhale should have forgotten the fate of Calcutta with a system which is like that which exists in the mofussil. But the Bombay system is, I venture to think, the most suitable for the circumstances of a country like India, where the body should be of a deliberative character and the work of an executive character should be entrusted to one responsible executive officer. I should certainly be in favour of applying that system to the mofussil but for one thing: that system would only succeed if the finances of the mofussil towns could provide for the engagement of an officer of high standing, when they would have to pay in a way commensurate with his high standing and position. If the towns in the mofussil could afford a responsible executive officer whom they would pay Rs. 1,000 per month, then the very best thing that could happen to the mofussil municipalities would be for that system to be extended to them. I have had a large experience of the working of a good many towns in the mofussil, and know how the system has worked in Bombay, and I certainly favour the extension of that system to the mofussil, but the difficulty is in regard to the finances. I should have heartily supported the section put into the Bill under which municipalities can be called upon to appoint chief executive officers, but I do not think my friend the Honourable Sir Charles Ollivant has realised that in the financial circumstances of these bodies there is not the remotest likelihood of their being able to come forward with the funds that alone would justify such an experiment as that. There are other parts of the Bill which to my mind are of a somewhat dangerous and mischievous character, but I do not think this is the proper time to speak on them. There are amendments proposed to be moved in regard to them, and that will be the proper time to make a few observations on these important portions of the Bill. I make these remarks, not as going to vote against the second reading of the Bill; I am going to vote for the second reading because I fully realise that this is a matter for

compromise, and I consider that in this the Presidency is fortunate; for, with the liberal sympathy that your Lordship has enunciated in speeches made from time to time, and the liberal sympathy extended to it, as we might well expect, by Sir Charles Ollivant, the Bill has emerged from Committee shorn of its most mischievous provisions, now we may well accept it as a sort of reasonable compromise between classes representing different views.

THE BOMBAY LAND REVENUE BILL.

[*A public meeting convened by the Bombay Presidency Association was held in the Bombay Town Hall on the 27th July 1901, for the purpose of representing to Government the state of public feeling in the Presidency in regard to the Land Revenue Code Amendment Bill and the necessity of giving sufficient time for the expression of public opinion and criticism in respect of the Bill. The Hon'ble Mr. Pherozeshah M. Mehta, C. I. E., presided and made the following speech.*]

Ladies and Gentlemen,—In opening as President of the Bombay Presidency Association the proceedings of this meeting, I need hardly tell you that this public meeting has been convened by the Association not only at the instance of many leading men of this city, but also at the call of many of our mofussil brethren. (Cheers.) Of these mofussil brethren, 700 of all classes—(cheers)—in deputations from all parts of the Presidency, comprising kunbies, sowcars, and, I must also add, B.A.'s and LL.B.'s—(laughter and cheers)—have come down to take part in these proceedings. Gentlemen, this assuredly shows the dissatisfaction and the state of unrest and excitement into which the Presidency has been thrown by the new agrarian proposals Government have recently placed before the Legislative Council. There can scarcely be a doubt but that these proposals have been received by every agricultural interest in the Presidency with intense alarm and dismay. I do not think it is possible to deny the existence of this unfortunate commotion which has been thus suddenly created. But an endeavour has been made to suggest or insinuate that the alarm and excitement have been created by interested classes; and sowcars and B.A.'s. and LL.B.'s have been specially singled out as sinners in this respect. I venture to say that such an insinuation can be made only by people who think that they are intimately acquainted with native ways and feeling, if they disport themselves among the

ryots, wearing the *dhotur* or *lungoti* of a 'Kunbi.' To those who have genuine knowledge of the tenacious attachment of a ryot to 'property' in land, the phenomenon that has occurred is the most natural in the world. To them it is no matter of suspicion or surprise at all. Just as during plague time, a native was thrown into consternation at the attempt to remove a dear relative to hospital, though assured that it was to secure to her or him the best possible chances of a recovery, so would the ryot view any meddling with his hereditary survey number, though assured that it was only for the purpose of saving him from the burden and misery of his eternal indebtedness. It is idle to deny the genuineness of the consternation into which the ryot is thrown by the proposal to place his cherished occupancy rights in the safe and impartial custody and tutelage of the great *hakims* of the Revenue department. (Cheers.) It may be then asked if there is any real and

SUBSTANTIAL GROUND FOR THIS ALARM

and dismay. We have been recently assured that it is all owing to mistake and misapprehension. I do not propose to make any lengthy remarks in opening these proceedings; but I will take the liberty of saying that not only is there good ground from the ryot's point of feeling and the ryot's point of interest, but there is the gravest cause of alarm from the point of view of those who have the political and economical welfare of the Presidency at heart. Let us see what is the real essence of the proposed legislation. If we examine the opening speech made by the honourable member in charge of the Bill, if we examine the reply given to the Deccan Sabha, our search for the essence of the measure will be perhaps as difficult as that for a needle in a stalk of hay. There is a good deal about waste lands, a good deal about alluvial lands and a good deal about Sind and the hill tribes. There is even a good deal about restriction on transfer of land. But still the real point is not there, and you would scarcely suspect that the innocent-looking little Bill is more formidable in its

revolutionary character than the Punjab Land Alienation Act. (Cheers.) It is to the Bill itself we must turn, and spell out from its amending clauses the revolutionary powers which Government propose to take. It is true that every assurance is given that such powers will not be exercised to their full extent. We are told that though powers will be taken to administer fatal doses of the powerful drug, it is intended only to administer at present homeopathic doses of tonic virtue. (Hear, hear.) But without meaning the slightest disrespect or offence, one cannot help saying, as Sir Frank Forbes Adam once said in the Legislative Council on another Land Revenue Code Amendment Bill, that intentions do not restrain legislation and cannot bind the perpetually shifting members of Government. (Hear, hear.) What is it that the Bill itself proposes to do? By the addition and alteration of a few words it proposes to give powers to Government by which it can

ABSOLUTELY UNDO THE SETTLEMENT

introduced by the great administrators and statesmen who acquired and consolidated it, of the tenure under which agricultural land was to be held and occupied in the Presidency. That settlement was finally crystallized in the Bombay Land Revenue Code of 1879. Under Sec. 68, land, when brought under survey settlement, was to be held and occupied 'in perpetuity conditionally on the payment of the amounts due on account of the land revenue for the same,' and by Sec. 73, 'the right of occupancy' was declared 'an heritable and transferable property, subject to the provisions contained in Sec. 56 or otherwise prescribed by law,' 'and,' now mark these words—'shall immediately pass to the person whose agreement to become occupant shall have been accepted by the Collector.' It will be thus seen, that irrespective of the occupant for the time being, it was the land that was impressed with the essential quality of 'heritable and transferable property held in perpetuity.' In other presidencies, land had been settled in different ways. In

this Presidency, its greatest statesmen considered it best, for political and economical reasons, to settle the vexed questions of ownership of land, by introducing a system which prevented survey land from being held by annual or short-term tenants, and insisted that whenever it was 'occupied,' it must be occupied by ryots who felt that they were not mere yearly or short-term tenants, but as men who held it as their transferable and heritable property in perpetuity (cheers). It is this state of things that the Bill tries legislatively to destroy by adding a proviso to Section 68, ' Provided that nothing in this or any other section shall make it or be deemed ever to have made it, unlawful for the Collector at any time to grant permission to any person to occupy any unalienated, unoccupied land for such period and on such conditions as he may, subject to the orders of Government, prescribe and in any such case, the occupancy shall, whether a survey settlement has been extended to the land or not, be held only for the period and subject to the conditions prescribed.' It is not simply a question of restraining the right of transfer, but this proviso does away with the character above described of property in perpetuity impressed by sections 68 and 73 on all lands brought under the survey settlement. For my part, I venture to say that such a revolution in the land settlement of this Presidency would be

FRAUGHT WITH DISASTER

for political as well as economical reasons. But, however that may be, it can scarcely be gainsaid that such revolutionary seed should not be sown without the most ample opportunities for examination, discussion and criticism (cheers). I confess I was unable to repress a quiet smile when in the reply to this Association's memorial, we were gravely assured that discussion of the problems involved in the Bill had been going on, off and on, for nearly a century. That is quite true, in a sense; but in that sense, Government could have equally well assured us that discussion of that sort had been going on even since the

time of Manu (laughter). It is the definite discussion of the precise proposals of the Bill with an enquiry into existing agricultural phenomena that is needed. Gentlemen, we are also told that this Bill contemplates only an experiment. Government seems to think that experiments with active social forces in living social organisms can be carried on like experiments in a laboratory (laughter and cheers). Such experiments cannot be held in control as Government fondly imagine. It is also said that the experiment would be given up as soon as it is discovered to produce injurious results. But it was forgotten that there would be the greatest difficulty in recognizing that stage. We know how revenue officers interpret agricultural phenomena. They are now actually contending that the higher the assessment, the better for the ryot. (Laughter.) Only one word more. It is said that the Bill is being hurried because the famine has produced

THE PSYCHOLOGICAL MOMENT

when the experiment can be tried on a sufficiently large scale. To my mind there is nothing more deplorable than that such an occasion should be chosen. (Hear, hear.) Among its many innumerable evils, famine had done some good in bringing officials and ryots closer to each other by the action of gratitude on one hand and sympathy on the other. The beneficial results were not a little promoted by the hopes and promises of remissions and suspensions. Unfortunately all that good work will be undone; and suspicion and disappointment will take its place. The ryot's logic is not quite Aristotlean nor is it Baconian. No assurances will persuade him that the Bill was not introduced to take advantage of the adversity to which famine reduced him. You may argue with him; but he will cling to his idea with invincible stubbornness. It will be difficult to undo the mischief already done. But I would respectfully beseech Government to pause before proceeding with a measure which has already produced such untoward consequences. (Hear, hear.) Gentlemen,

I do not propose to detain you with any longer remarks. There is a whole string of speakers to follow me and all are anxious to lay their views on this subject before the meeting. Some of the speakers have come from distant parts of the Presidency. Possibly you will hear some of the speeches not in English, but in the native language of the speakers—(applause)—and you must be prepared to have Gujarati and Marathi interspersed with English. But I am perfectly sure that those who have come such long distances under the pressure of what they consider will be disaster to them, will be listened to with the greatest attention. I am sure that all will be listened to not only by the people present in the hall, but by those outside. I will go further and say that I am sure that Government also will respectfully attend to the representations and arguments which these people may put forward. (Loud applause.)

SPEECH ON THE BOMBAY BUDGET OF 1901-2.

[*The following speech was delivered by the Hon'ble Mr. Phcrozeshah M. Mehta, C. I. E., on the Bombay Financial Statement at the meeting of the Provincial Legislative Council held at Poona on the 22nd August 1901.*]

I have ploughed the sands so often ever since the year 1893 that I am now, if not a sadder, at least a wiser man, and I do not propose to inflict upon the Council any except a very few remarks on the present occasion. It has been my lot during the last few years to urge both in this Council and the Viceroy's Council that under the rules of 1881, in regard to provincial contracts, the Government of India were bound to come to the assistance of the Provincial Government in exceptional times like those of famine and plague; I have pointed out more than once the extent to which they were bound to come to the assistance of Local Governments in times of famine. I am very glad to see that this Government has this year obtained from the Imperial Government liberal financial treatment; and in this respect the most satisfactory point is contained in the fourth paragraph of the Financial Statement, in which is stated what has been done in this behalf in order to leave us the irreducible minimum of 20 lakhs.

The fourth paragraph states: 'The Budget of 1901-1902 bears the impress of the liberal treatment accorded by the Government of India to this Government. In framing the Budget in January last, this Government provided for the most part only for current requirements of the most indisputable urgency, but considered it highly desirable to enter some long-delayed schemes of reform, which had been approved by the Supreme Government. The expenditure estimate thus showed a large advance over the last year's Budget. The Government of India have not only admitted the whole of this estimate and made a generous assignment of 62·48 to avert a deficit, but have increased this assignment to 91·00 with a view to

provide for the prescribed minimum balance of 20·00 at the end of the year, which is also the end of the current Settlement, and an additional grant of Rs. 8,52,000, which has been entered under the head 45—Civil Works, for extra expenditure to be incurred at the discretion of this Government.' I must confess that the treatment which your Lordship's Government has been able to secure from the Imperial Government is extremely satisfactory so far. There is only one thing which I, as the representative of the Corporation of the City of Bombay, would like to have seen in the Financial Statement, and that is something to which the city could look to claim a contribution as in previous years for plague expenditure. But I have searched from top to bottom of the statement and cannot find any assurance or statement in that behalf. As I have pointed out previously, the city is entitled to a contribution, year by year, in respect of the enormous expenditure under this head incurred for Imperial purposes, and I trust that your Lordship will consider any appeal the Corporation may make in respect of that contribution. Another point to which I would refer is that this is the last of the five years of contract, and I sincerely and devoutly trust that your Lordship's Government will be able to secure very liberal treatment under the next provincial contract. In securing those terms, I would venture to suggest to your Lordship one head in regard to which an increased grant should be obtained. I have drawn the attention of this Government more than once to the inadequacy of the police organisation throughout the Presidency, and I have argued in view of the constant dacoities which are taking place, which show that the present establishment is not sufficient to secure the ordinary peace and tranquillity of the district, that it is absolutely requisite that the police organization should be reformed in more directions than one. Perhaps your Lordship is aware that other Presidencies have already taken the lead in this matter, and so far as the Bengal Presidency is concerned, they have

been instituting an enquiry and making all sorts of recommendations and suggestions for the purpose of strengthening the police of that Presidency. I think, my Lord, this task is as incumbent upon this Presidency as it is upon the Bengal Presidency, and I think your Lordship's Government should endeavour to obtain such an increased grant in regard to this matter as would enable your Lordship, when the reorganization can be carried out, to have money for the purpose of carrying it out, during the later years of the contract. There is one other matter which, though not of so directly essential a character so far as this province is concerned, is one which, I think, does deserve being recalled to your Lordship's attention at the time of the termination of the contract. I do not know whether your Lordship is aware of the correspondence which has taken place in regard to the buildings for primary schools in Bombay. It has been often pointed out that those buildings in Bombay are such as should not be tolerated in a city like Bombay, and under a civilized Gevernment. The Corporation proposed a scheme for building primary schools by raising loans upon which the sum required for interest and sinking fund would amount to Rs. 30,000. They asked the Bombay Government to contribute a moiety of that amount, but the negotiations came to nothing because this Presidency has been for a long time in circumstances in which it could not go in for extraordinary expenditure. But I ask your Lordship's Government to give attention to this matter now, and if it is possible to contribute the small annual sum of Rs. 15,000 for the construction of primary schools, your Lordship will be doing a benefit not only to the City of Bombay, but to the whole of the Presidency, as it will enable the city to set the example as to the character of the buildings for primary schools which should prevail in the whole of the Presidency. I do not think there is any other point to which I need refer. I have found we can speak and speak, but if the finances of the Presidency do not admit

of increased expenditure, we may speak for ever, but nothing will come out of it. All I will say is that we are told on the highest authority that the finances of the country are now in a state of unexampled prosperity. Under these circumstances, one could surely ask to be allowed to participate in that prosperity, and to secure liberal terms for the next contract.

SPEECH ON THE BOMBAY LAND REVENUE BILL.

[*At the meeting of the Bombay Legislative Council held at Poona on the 23rd August 1901, the Hon'ble Mr. J. Monteath, C.S.I., moved that the Bombay Land Revenue Code Amendment Bill be read a second time. The Hon'ble Mr. Pherozeshah M. Mehta, C.I.E., thereupon moved the following amendment:—'That the Bill to amend the Bombay Land Revenue Code, 1879, be referred for opinion to all District Judges, Collectors and Commissioners of the Presidency, the Chief Justice and other Judges of the High Court of Bombay, to the Advocate-General and the Legal Remembrancer, and to such native gentlemen and public bodies and associations as Government may select, and that the Bill be recommitted to the Select Committee for further report after consideration of such opinions and representations as may be received in respect thereof within six months from this date, with instructions to submit their report within two months thereafter.' In doing so Mr. Mehta made the following speech.*]

Your Excellency,—I confess that I rise to speak on this occasion with a certain amount of trepidation. I am afraid that I shall again lay myself open to the indictment which my honourable friend Mr. Monteath has brought against me that I am wanting in the discussion of this question in the very elements of reasoning. But, my Lord, I seek help and consolation in the reflection that human nature is so constituted that in a controversy you are always convinced your opponents are always wanting in the very elements of reasoning if you do not fall in with their views. My Lord, I may add that it is easy to see that my honourable friend is a bit angry that we are not able to follow his reasoning in this matter, and therefore in his anger it is that he thinks that we are not capable of reasoning rightly and properly, and, may I add, honestly. However, I must dare my honourable friend's wrath. Formally and technically I am supposed, in what I am going to do, to move an amendment to the proposition made by the honourable member in charge of it for the second reading of the Bill before the Council. Stripped of its ceremonial vestments, my supposed amendment is only an appeal

to your Excellency in Council. It is an appeal for caution and patience. It is an appeal for justice and sympathy. Above all, it is an appeal for that candour which overcomes the insidious bias which every man, officials not excepted, is liable to contract in the zealous discharge of the duties of his work in life by virtue of that very occupation and by virtue of that very zeal. We, the non-official elected members of your Excellency's Council, cannot command votes. Our place in its constitution is generally to trot along the Government triumphal car, grateful for such largess as may be generously thrown out. But if we are not to sit in utter helplessness, if we are not to feel that our absence would almost be better than a presence which would be open to misconstruction, I trust that we may be allowed to invoke earnestly that the determination of a question fraught with momentous issues of the greatest magnitude to the present and future well-being of this Presidency, may be controlled and guided by the wise exercise of those attributes of all true statesmanship which I have mentioned above, without which no great problem affecting the interests of large masses of the people can be adequately and successfully treated. My Lord, I have said that I plead for patience, for caution, for sympathy and justice, and unbiassed candour. At the very outset, my Lord, I will freely and frankly speak out that it is most unfortunate that the attitude and feeling of the public towards this Bill are misinterpreted and misconceived. We cannot help keenly deploring that an idea should prevail in the highest quarters that the agitation against the measure is owing only to the money-lending classes, that it is not *bona fide*, that the agricultural classes have little or nothing to do with it, and that what little alarm and consternation does prevail, has been fanned into a flame by sedulous and interested misrepresentation. My Lord, if the Government of this province entertain such notions, I will venture respectfully to say that they are making the same superficial mistakes, and falling into the

same precipitate blunders, on information and reports coloured by one-sided predilections and vitiated by hasty and prejudiced generalisations, as the mistakes and blunders founded on imperfect and prejudiced information into which they fell in reading and interpreting the feelings and actions of the people in connection with the earlier measures for treating the outbreak of plague in this Presidency. At that time, too, it was hastily believed, though in all such honesty as is often consistent with deep prejudice, that the opposition of the people to plague measures was due to interested agitation and dishonest misrepresentation. It was long before Government realised that the commotion among the people had its real origin in the violence unconsciously done to their most cherished ideas, feelings and sentiments. Government were repeatedly and emphatically assured by officers who were supposed to know the natives more intimately than their brethren who had lost caste by their education, that the people could not be, and were not, really averse to measures taken under the dictates of sanitary science and civilised benevolence for the security and preservation of life. We have all ultimately discovered the sincerity of their opposition, the impotence of sanitary science, and the innocence of the accused classes. I am afraid a similar phenomenon is being enacted in respect of the measure now before the Council. It is judged that there could be no genuine opposition from people in whose interest it was conceived and for whose protection it was designed. It is judged that if there is a show of opposition, it must be factitious and instigated by wicked and interested people. Even the honourable gentleman in charge of the Bill expressed in introducing it, the hope that 'advantage will be taken to a large extent of the opportunity which on the passing of this Bill will exist to give a right of occùpancy without an unrestricted power of transfer.' In the same speech my honourable friend protested, and very rightly, against the rather too common assumption 'that human

nature is different in this country from human nature elsewhere,' and I would ask him where in this wide world he will find an agricultural population who will receive with favour such agrarian changes as are proposed to be carried out by this Bill. I venture to say that everywhere the agricultural masses would pray to be saved from being compelled to accept favours and benefits which their habits of mind, their ideals and their sentiments have taught them to regard with invincible repugnance. The ryots of this Presidency are no exception to this rule. However much you may tell them that they are, as Mr. Monteath graphically puts it to them, 'the oppressed serfs of exacting money-lenders,' they will persist in considering themselves as holding and enjoying the status and dignity of peasant-proprietors, and in preferring that dignity and status with all its drawbacks and burdens as infinitely preferable to being mere yearly or short-period tenants of an absolute State landlord, however much you may assure them, as again my honourable friend earnestly does, that they will thus become 'contented occupants, enjoying the full fruits of their industry, except the moderate share due to the state.'

To hold, my Lord, that the commotion throughout the Presidency in regard to this Bill is owing to the action of the money-lending classes, is to strangely ignore all real knowledge of the most cherished feelings—prejudices, if you like to call them—of the ryots of this Presidency in common with all agricultural people in their position everywhere. And is it certain that the new nostrums will be more efficacious than the plague measures which, it was at one time dinned into our ears, were sure to stamp out plague? Will they really stamp out the terrible plague of indebtedness, which, it is alleged at the same time, is principally owing to the inveterate habits of extravagance ingrained in the people themselves? Or, is the parallel which I have drawn likely to prove true in this respect also? However that may be, let me assure you,

my Lord, that the alarm and consternation prevailing in the province are just what would be naturally expected under the circumstances, and that the agitation against the Bill is not factitious but genuine and sincere. Of course, it is also true that the money-lending classes contribute their share to it. Their legitimate interests are largely involved in the proposed measure, and their securities in many cases may be seriously affected. Even against their will they would be reduced to the necessity of pressing hardly on their debtors and taking steps to sell them up. The event is that the good and the bad are indiscriminately involved in the common treatment on both sides. The sowcars are entitled to agitate as any other class of his Majesty's subjects in defence of their rights and in vindication of their character. They may be said almost to have a special claim on the consideration of Government. It is the fashion with the Revenue Officials of this Presidency to denounce the sowcar as a Mephistopheles tempting the ryotwari faust within their jurisdiction. But leaving alone the question of his share in agrarian indebtedness, about which people will talk without waiting to gather facts and statistics, it must be remembered that in this province of a rigid system of revenue collection and a rooted dislike of remissions and suspensions, the sowcar has admittedly occupied a most important and useful place in the agricultural system of the country. This was very effectively put by the late Finance Minister, Sir James Westland, in the debate on the amendment of the Indian Contract Act in 1899. He said: 'I should like to say a word in support of the remarks which have fallen from my honourable friend Mr. Rivaz. I deprecate any idea going abroad that this Bill, as far as my connection with it is involved, is based upon the theory that the village sowcar is a man to be put down. I believe him to be a very necessary element in Indian political economy, and that he exercises a profession which is extremely useful so far as I am concerned. My revenue comes in punctually, mainly because the

village sowcar is willing to convert a debt owed by the ryot into a debt owed by the ryot to himself.' It is not uninteresting to quote the observations of Sir Charles Rivaz to whom Sir James Westland referred. He said: 'I am not among those who consider that every money-lender who has any business transactions with a member of the agricultural classes in this country is necessarily an unprincipled extortioner, or that every agricultural borrower is a poor simpleton who is unable to understand whether he has been treated fairly or unfairly. The money-lender, as my honourable friend Sir Griffith Evans has just said, is a very useful and even indispensable element in the composition of rural society in this country, and I am ready to believe that in the main the money-lending classes are reasonably fair and just in their dealings with their agriculturist clients.' Then, again, it has to be borne in mind that many agriculturists themselves both lend as well as borrow money. It is not possible to say how many, for unfortunately no statistics are available on this point, and the Bombay Government have not been fond of instituting inquiries and gathering statistics that would have set at rest many vexed questions regarding the agrarian problem. Such statistics as were collected by Mr. Thorburn in four selected tracts in the Punjab by taking typical villages and working out each original peasant proprietor's debt and mortgage history for about the last 25 years, would be invaluable. As it is, it is not possible, for example, definitely to verify the observations made by the custodian of this Bill, when in pointing out that the transfer of large areas to usurious money-lenders was undoubtedly a public calamity, he added: 'These people use their capital to get possession of the land, they use none for the improvement of it.' I have very little doubt that my honourable friend must have felt himself dreadfully handicapped by his inability to cite definite statistics in support of this as well as many other statements in his opening speech, especially that one in

which he revives and resuscitates what I believed was an exploded fallacy, that light assessments lead the ryot to extravagance and pave for him the way to hell, without however telling us up to what exact point the heaviness of the assessment should be carried, just as the physician forgot to define the last straw in the experiment to sustain a horse without almost any food, in consequence of which the horse died before the experiment was completed. I have a few remarks to offer later on with regard to the alleged extravagance of the ryot on festive occasions. But I will now proceed respectfully to submit to your Excellency whether it would be wise and statesmanlike to ignore altogether a *bona fide* and legitimate agitation in which both ryots and sowcars have joined, and to press on without pause with legislation the prospect of which has evoked wide-spread consternation among both these classes alike. Whether the agitation is altogether intelligent or unintelligent, the issues involved in the proposed changes are so momentous and, as admitted frankly by my honourable friend, they are of so difficult and important a character, that 'they have exercised the wits of all who take an interest in the prosperity of the country, and views have been expressed regarding them differing as widely as the poles asunder by those who have an equal opportunity and power of judging,' that no statesman could be justified in treating an agitation on such questions except with infinite patience, caution, and even tenderness. In speaking on the first reading of the Punjab Land Alienation Bill, his Excellency the Viceroy remarked that 'the issues at stake were, in his judgment, as momentous as any that could attract the attention of the Government of India.' But, my Lord, the issues at stake in the Bill before the Council are immeasurably more momentous, far-reaching and radical than those involved in the Punjab Bill. The Land Revenue Code Amendment Bill now before the Council is a far more formidable measure than what is now 'the Punjab Alienation of Land Act, 1900.' The latter Act prohibits permanent

alienation of land except to defined agriculturists without the sanction of a Deputy Commissioner, permits temporary alienations only within certain defined limits, and forbids execution sale of land. It does not affect land tenure in any other way. The present Bill not only deals with the question of transfer, but provides powers by which the tenure of land in this Presidency would be in time completely altered by executive action. The honourable member in charge of the Bill says that the original intention of the Land Revenue Code of 1879 was in the direction to which it is now proposed to revert. I must say that he does not produce a single argument worth the name to establish this proposition. Surely, that Mr. Naylor, who drafted the Act, approved the form of lease given to Bhils in Khandesh can scarcely be called an argument. Feeling the weakness of this argument he has now tried to press into service Section 37 of the Land Revenue Code. (Reads the Section.) It will be seen that there are express saving words in the section which *leave no room* for the contention of the honourable member. On the other hand, there are express words in the Act which are incapable of explanation, except on the theory that land tenure was deliberately settled according to what is somewhat lightly called the present opinion of their law officers. There can be no doubt that opinion is right. The combined operation of Sections 68 and 73 show that every occupant of land has an heritable and transferable right in it, and if the survey settlement is applied to that land the occupier is entitled to the use and occupation in perpetuity. It is impossible to explain away the final words of Section 73: 'The right of occupancy shall be deemed an heritable and transferable property,' etc., 'and shall immediately pass to the person whose agreement to become occupant shall have been accepted by the Collector.' The last words would never have been allowed to form part of the Act unless it was deliberately intended to render impossible annual or short-term tenancies of land brought under settlement.

My honourable friend has told us a great deal in his speech about individual existing occupants and their vested rights and interests. But he quietly gives the go-bye to the fact that leaving individual occupants alone the effect of Section 73 is to permanently impress the land with occupancy rights, the tenure in perpetuity being the most essential of them. Individuals may hold and individuals may relinquish it, but the land itself can be held only, whenever held, by a tenure in perpetuity. It is this deliberate character impressed upon the land which this Bill is framed to destroy. I venture to say again, in spite of my honourable friend's inability to appreciate it, that in endeavouring to do so it certainly deserves to be designated as revolutionary. And be it remembered that the honourable member himself fully admits that under the existing settlement 'the prosperity of the Presidency has advanced by leaps and bounds.' I know that the honourable member has urged that the provisions of the Bill will only apply to unoccupied land, which is the absolute property of the State, and that forfeited lands rightly come under this designation. I have already pointed out that section 73 absolutely prevents forfeited lands from being regarded the absolute property of the State, to be dealt with as the State liked. And it is here that the worst sting of the Bill lies. From amongst a certain confusion in the use of the words, waste, unoccupied and forfeited lands, the intention of the Bill shoots out clear. It is to be a declaratory Act establishing the absolute right of the State as sole landlord of all soil in the Presidency. Government seem to be taking a lesson from the experiences of the war in South Africa. Frontal attacks are superseded in favour of flank movements, and this Bill may be described as a flank movement by which the declaration of the sole ownership may be quietly and effectively established and declared. I do not propose to go into the old wearisome discussion on this subject. It is sufficient to note that in this Presidency the view laid down by Elphinstone in his *History of*

India, as established in Hindu polity, was deliberately and legally accepted and adopted in its main lines, the view that 'The King possesses the exclusive right to a proportion of the produce (the *Rajbhag* as it is still called). This right is permanent, and the King can dispose of it at his pleasure, but he cannot interfere with the soil or its produce beyond this limit.' It would not be just or right to endeavour now to subvert this final settlement. Zealous revenue officers have for sometime been talking of what they ingeniously call the non-agricultural value of unalienated land, and claim it as the exclusive property of the State, alleging that the occupants can claim nothing more than a portion of the agricultural rent.

This pretension, if I may take the liberty of calling it so, has now culminated in the full assertion of State ownership in the Bill, which would thus go back upon a solemn adjustment of rights sanctioned by legislation years ago. It will be thus perceived that the agitation caused by this Bill is not entirely ignorant. The people have instinctively gone to the very root of the matter and realised fully the action proposed to be taken by Government. The Bill is thus fraught with issues more momentous, more far-reaching, more revolutionary than the Punjab Land Alienation Act. Now let us see with what patient care and caution the Government of India proceeded with the Punjab legislation. When the Alienation Bill was read a first time in the Supreme Council, how did his Excellency the Viceroy propose to proceed with it? After pointing out that minutes had been written and resolutions passed during the last twenty-five years, his Lordship spoke as follows :—'Does not this fact illustrate in a striking manner the method and deliberation with which we proceed? I am one of those, as may be known, who find that the machine of Government is apt to move somewhat slowly in this country, and to be a little ponderous and rusty in the revolution of its wheels. But for caution and slowness, in a matter affecting vast areas of territory, relating

to the concrete rights of property, and touching the livelihood of hundreds of thousands, if not of millions of the population, I have nothing but praise. Our studies and investigations can scarcely be too protracted; our action must, on no account, be flustered or precipitate; if our proposals are to be successful, full opportunity must be afforded to public opinion to digest and to accept them, provided, that is, that they are deserving of acceptance. It is very important that the mills of the Sircar should grind slowly because in the long run they are apt to grind exceedingly small. Let me apply these observations to the present case. Mr. Rivaz has just asked leave to introduce this Bill, which has, I may almost say, been for years in course of incubation. It represents the unanimous views of the Government of India. It has been accepted by the Secretary of State. It is supported in the brief but powerful argument, to which we have just listened, by the Lieutenant-Governor of the province to which it is proposed to be applied; yet so conscious are we of the importance of the precedent that we are setting, and of the far-reaching consequences of the solution that we propose, that we have resolved to give the amplest opportunity for the expression of the opinions, and even of the criticisms, of those whose interests will be affected by this measure. In my opinion, legislation in this Council, which is invested with the law-making prerogatives of the Government of India, should be deliberate in proportion to its facility. Laws that are made in haste are apt to be repented at leisure. For these reasons we now introduce this Bill, which public and expert opinion will have an ample opportunity of discussing during the next six months; and fortified, as we hope, by this outside assistance, we shall then take up the measure when we re-assemble at Simla next year.' My Lord, I ask for this Bill—far more formidable than the Punjab Bill—the same ample, if not ampler, opportunity of discussing and criticising it, at least during the next six months, and to proceed with it further only next year. The only reason

which was given at the first hearing for hurrying on the Bill has now ceased to exist. By the resolution recently issued, your Excellency in Council was pleased to direct that until the expiry of a year no measures shall be taken for the recovery of arrears from any *bona fide* agriculturist who, in the opinion of the collectors, has paid during the last two years such proportion of the revenue due from him as might reasonably have been accepted, having regard to the character of the seasons. How far the search for this *bona fide* agriculturist will prove successful under the conditions under which the search has to be carried out, may be open to interesting speculation. But it is now certain that the Government have now abandoned their intention to take advantage of the opportunity which they believed the existing famine conditions in the Presidency gave them. There is no special reason, therefore, for refusing to give to the people the same ample opportunity for discussion and criticism as was deliberately and wisely given in the case of the Punjab Bill. Indeed, there is now an additional reason for a long pause. It would give time for the removal of the unfortunate impression which was produced by the announcement, that after having promised liberal suspensions and remissions, Government propose to create an opportunity under which suspensions would be unnecessary and remissions generally possible only after forfeiture. The time which would be gained by my proposal could be utilised for purposes of a most important character. In his speech in moving the first reading of this Bill the honourable member said: 'It is not infrequently alleged that the wide-spread agricultural indebtedness is of our making.' After referring to various facts he added: 'These facts constitute an effective answer to those who allege that excessive assessment is the principal cause of agricultural indebtedness,' and he concluded that 'the evidence that the assessment is generally moderate or light, and that it is on that account, and not the reverse, that land is passing into the

hands of capitalists, is overwhelming.' I cannot help saying that I am surprised that my honourable friend has not recognised that the problem is far more complex and requires deeper probing than he has attempted to give to it. While he denies that the excessive assessment is the principal cause of agricultural indebtedness, he has refrained from saying to what it is that he attributes it. Does he mean by implication to go with those who attribute it to the extravagant habits of the ryot with regard to marriage ceremonies and other festivals? Now, I wish that this assertion was subjected to a statistical inquiry, such as that carried out by Mr. Thorburn in some villages of the Punjab. To my mind there is no economic phrase which is more heartless than that of the ryot's extravagance on festivals. It seems to be completely forgotten that, humble as he is, the ordinary ryot, the small peasant proprietor, has a soul which requires to be nourished in some small way, as he has a body which requires to be fed by at least one simple meal a day. What is his daily life but one of daily drudgery with nothing to brighten it? Is it possible to grudge him the relief of a few moments of enjoyment on a few festive occasions in a life-time? And what is the extravagance in which he indulges on those occasions? It has been well said that in the case of an average ryot,—of course there are exceptional cases,—a few new earthenware, a few wild flowers, the village tom-tom, a stomach-full meal, bad areca-nut and betel-leaves and a few stalks of cheap tobacco, and in some cases a few cheap tawdry trinkets, exhaust the joys of a festive occasion in the life of a household which has known only an unbroken period of unshrinking labour from morn to sunset. Wherever inquiry has been made the ryots' extravagance in this respect shrinks into a very small proportion of his aggregate indebtedness. In the official inquiry carried out by Mr. Thorburn in certain Punjab villages he reported that 'of 742 families only in three cases was marriage extravagance the cause of their serious indebtedness, showing

that the common idea about the extravagance on marriages is not supported by evidence.' In Madras there are figures to show that out of 66,396 people who sought loans of professional money-lenders in the three years, 1889, 1890 and 1891, only 3,025 borrowed for marriage expenses, *i.e.*, 4·50 per cent. of the total number seeking loans. Of this number it is only ten persons who have borrowed over Rs. 10,000; only 62 that have borrowed between Rs. 500 and Rs. 1,000; 1,528 borrowed between Rs. 100 and Rs. 500; and 1,425 ryots borrowed up to Rs. 100. Is this extravagance, and do those who glibly talk of the ryot's extravagance on festivals as being the cause of his indebtedness and his ultimate ruin, mean that the ryot should go through life like the dumb animals he drives? The subject is of such importance that the Government might well utilise the time which would be secured by my amendment by an inquiry in typical villages of the sort Mr. Thorburn carried out in the Punjab. The whole history of the ryot's indebtedness requires to be so probed. We have had enough of economic inferences and dogmatic assertions, but they will never really solve difficult economic problems. For all these reasons I solicit a favourable consideration of my amendment, which would enable opinion and criticism to be elicited from all quarters. I solicit it the more because, without meaning the slightest offence, I venture to say that at the present moment your Excellency's Government is composed in a somewhat one-sided way. I have the highest respect for the able and accomplished colleagues who support you on the right and the left. But they both belong to the Revenue side of your administration, and cannot but have taken impress from its traditions and its predilections. A colleague taken from the judicial side might have brought some equipoise, but as things are, I respectfully submit that there is greater need than usual for proceeding with such circumspection as may secure a dispassionate judgment. My Lord, if this amendment fails, I do not see how we, the non-official

elected members, can make ourselves useful in the subsequent stages of a Bill which, from our point of view, cannot be improved by amendments dealing with details. Our presence would be absolutely useless, and there would be nothing left us but to retire.

THE BOMBAY LAND REVENUE BILL.

[*In replying to the debate on his amendment to the motion for the second reading of the Bombay Land Revenue Code Amendment Bill (vide last speech), the Hon'ble Mr. Pherozeshah M. Mehta made the following speech.*]

Your Excellency,—I was congratulating myself in the course of the debate that from the position to which the Hon'ble Mr. Monteath had assigned me and those who think with me, we were getting somewhat rehabilitated. According to him we were incapable of comprehending the very elements of reasoning and, therefore, my Lord, I was elated when I heard that Mr. Aston had promoted us at least to the reasoning powers of a schoolboy. But my exhilaration has come to a premature end since the Hon'ble Mr. Muir-Mackenzie spoke. The Hon'ble Mr. Monteath and the Hon'ble Mr. Aston deprived us only of our reasoning powers. The Hon'ble Mr. Muir-Mackenzie has thought fit to charge us with reckless and perverse misrepresentation.

The Hon'ble Mr. Muir-Mackenzie.—I made no conscious imputation against the *bona fides* of any honourable member of the Council.

The Hon'ble Mr. Mehta.—That is what I understood the honourable member to insinuate. Perhaps it was done unconsciously. So far as I could understand the honourable member, I gathered that he said that in the way we explained and represented the Bill, we were guilty of perverse and reckless misrepresentation. My Lord, I acknowledge, as I said in answer to the remarks of Mr. Monteath, that it is open for people who take another view of a question to be intolerant enough to doubt the capacity, ability or intelligence of their opponents; but it is going altogether beyond the bounds of decorum and propriety, to say nothing stronger, to question their honesty. My Lord, speaking on my own behalf and on behalf of my colleagues who think with me in this matter, I lay an emphatic claim to having devoted such ability and

intelligence as we possess to the consideration of this question and to laying the view which we have thus formed before this Legislative Council. My Lord, I lay a still stronger and more emphatic claim to the integrity and honesty of purpose as well of myself, however egotistical it may seem, as of those colleagues who hold the same views as I do on this subject. Now, your Excellency, in the course of the various speeches which have been made on this question, one thing has been harped upon by official member after member and the Hon'ble Mr. Monteath ended his speech with the same point. We have been told: 'What are your opinions to weigh against the opinions of members who are in favour of the Bill; members who have an official experience of the agriculturists of this Presidency extending over the best part of their lives? Who are you, you men living in cities, practising in courts and gathering your information from second-hand sources?' In making these observations they were forced to exclude one member and then another from their purview. The Hon'ble Mr. Gokhale had to be specifically given up; and Mr. Parekh had at least to be classed with the doubtful instances. But as for poor me, every official looked at me as if my case was hopeless. To their minds I was a confirmed Parisian who knew nothing of the provinces and nothing of the country and its village population; I was only a practitioner in the High Court and could never come in contact with the realities of village life. Mr. Desai proudly spoke of having lived, ridden, and gone among the ryots, for the best part of 30 or 40 years. Mr. Lely—and when I speak of him he knows I speak of him with respect and with appreciation of his kindly feeling towards the people—, he also told us the number of years he had been going round speaking and chatting constantly with the ryots of his districts. Mr. Muir-Mackenzie put in a similar claim, and he could hardly contain himself at the presumption of people like me standing up and controverting the views and opinions of men so intimately acquainted with village life. It is

a pity, however, that these honourable members have not stopped to ascertain the real facts. Will they be surprised to learn that I make a double claim? I claim to know village life not only intimately and at first hand. I claim to know it far better and far more truly than English officials, including among them the honourable members who have once again ventured to repeat a pretension which has been often exploded. I myself had occasion to expose the real inwardness of this pretension more than once on public platforms. In the first place, let me inform my honourable friends, that I whom they contemn as a mere dweller of cities, have gone from one end of the Presidency to the other, from village to village, from town to town, mixing with people of all classes as no European officials can ever hope to mix with them. My Lord, I have passed a large portion of an active professional life in practice in the mofussil. What that means is, that I was taken from village to village by the peripatetic assistant collectors, collectors, mamlatdars, and mahalkars before whom I happened to have cases. The knowledge and experience which could be thus gained was various. You could gauge natures and characters of men with whom you came in contact as clients, witnesses, as parties in these cases, in a way no judicial officers could ever do. Then during your stay, you perpetually come across the various people forming village life, and they would come and talk to you with a freedom and sincerity which no official could ever expect from them. I have had all sorts of people, small tradespeople, sowcars, ryots, questionable characters, and even the famous outlaw Mr. Sadhuani among others, come and talk to me and discuss the varied problems of every-day life with freedom and confidence. I could talk to these people in their own language and idiom; and they could talk back to me without laborious attempts to suit English peculiarities of pronunciation and expression. I think my honourable friend Sir Charles

Ollivant will remember how he on several occasions took me from village to village in the Jalalpur and Vijalpore and Randeri talukas, and once through those of the Nawab of Sachin. I think Mr. Lely cannot have forgotten my appearances before him in and about Bulsar during the enquiry he conducted in the well-known Surat riot cases. Our former colleague Mr. Panse, now Collector of Broach, is responsible for making me acquainted with the British villages near Daman and Udwada. In this way, I went up in pre-railway days to Palampur, Radhanpur, Deesa and even as far as Mount Abu, staying in the villages along the long route, and even sometimes putting up in village huts. I never lost an opportunity thus gained to mix with the varied people I came across; and I always met with the sympathy and confidence inspired by the fact that I was a native of the same land with them. My Lord, I thus claim to know the thoughts, the feelings, the habits of mind of the people in the mofussil more truly and more thoroughly than any English official, than even a sympathetic officer like Mr. Lely. Mr. Desai may say that, though he is an official, he is not a foreigner but a native like myself. But officialdom is a badge which repels confidence and sincerity; and officialdom puts a distance which he cannot cross over. Now, my Lord, let us examine the claim which has been set up for the European official. In many respects, I have very great respect for him. I appreciate highly many good and great qualities which distinguish him. But he is generally totally unable to get over what are conveniently called his insular proclivities and his insular stiffness. In no respect is his insular inelasticity more marked and incorrigible than in his inability to learn foreign languages. The continental languages are bad enough for him; but when he comes to Indian languages and dialects, his jaws are absolutely unmanageable,—of course there are and have been exceptions, Sir Theodore Hope and Mr. Justice Pinhey and some others in the old days,

Mr. Lely in present times,—but as a general rule the English official never learns a native language in a way to be able to carry on a decent conversation with the ryot whom he claims to know so intimately. The ryot's patois and his idiom and his humour are quite beyond him. I have myself had the pleasure of hearing attempts at conversation between English officials, revenue and judicial, and ryots and other natives. I will not describe my feelings on those occasions. I am sure I have succeeded in controlling them, thanks to my strict sense of decorum and propriety. But there are hundreds of stories all over the country-side of the humorous *contretemps* that were the result of the Englishman's linguistic accomplishments. It is owing to this unfortunate drawback that the English official finds it beyond his power to get into the real mind of the rural native. It is perfectly true that for eight months of the year he travels throughout his taluka, riding out in the morning for sport and business combined, a little shooting as well as a timely appointment about some village matter, and then a couple of hours of revenue, and a couple of hours of magisterial work in his tent. Such a life could not but afford unrivalled opportunities for coming into contact with all sorts and conditions of men and getting an insight into their natures and characters. But alas! the avenue through which alone such knowledge can mostly come is closed to him; and the English official moves among the natives, isolated even when not unsympathetic, ignorant even when not uninquisitive, a stranger and a foreigner to the end of the chapter. My Lord, I can therefore truly say that it is I and my native colleagues who can claim to speak at first hand and of our own personal and intuitive knowledge and experience of the feelings and thoughts of the ryot, his prejudices, his habits of thought, his ways of life, his ambitions and his aspirations. In speaking on this Bill, it is we who represent the real views of the agricultural masses, not the insular and isolated English official,

He failed to understand native feeling, as I said in my speech in moving my amendment, in plague times; he equally fails in comprehending the ryots' view of this agrarian legislation which is sought to be pushed through this Council on the strength of a knowledge and experience which he has never really acquired.

I will now deal with Mr. Lely's singular argument to show that there ought to be no delay in proceeding with this Bill. I will not stop to point out that it is not delay that my amendment asks for, but that it is only a plea for avoiding undue haste and precipitancy, an appeal for allowing only the time which is ordinarily allowed for consideration of measures of equal importance. Mr. Lely says that there is no reason why we should want time to form our opinions about this Bill, because he says—I take it he says it without any background of sarcasm—that we as public men and as patriots must have been forming our opinions about the matters dealt with by the Bill as they came under public discussion. My friend Mr. Gokhale was disposed to put it modestly and plead want of time and opportunity. My Lord, I will boldly say some of us who do devote themselves more or less to public affairs, have been exerting ourselves to form our opinions on these topics, and I have no hesitation in declaring that those opinions are opposed to the policy, the wisdom, and the appositeness of the empirical legislation which is embodied in this Bill. But we know at the same time that it would be hopeless to expect to convince our officials to accept our arguments and our facts. Therefore it is that my amendment seeks for time to bring home to them the real views of the people on the Bill as well as the considered opinions of officials of all classes, under the responsibility of their own names and under the guarantee of their own reputations. At present we are treated only to general statements of what the views of officials as a body are in a way elusive of all critical verifications. For example, I am not prepared to accept the Hon'ble Mr. Aston as the

representative spokesman of district or High Court judges. It is amusing to see how differences come out among official representatives in this small Council. Take the question of the ryots' inveterate extravagance. Mr. Lely and Mr. Aston differ on this point as the poles asunder, and the wonder is that they both undertake to speak from long official experience. I will therefore repeat that I have brought forward my amendment not because we have failed in our duty as public men to form our opinions on the problems in the Bill. Personal reminiscences were the order of the day yesterday, and I may make bold to indulge in one myself as showing that it is not recently that we have been paying attention to these problems. I was in the Viceroy's Council when the Deccan Agriculturists' Relief Amendment Act was passed and took part in the deliberations on it. I had put myself in communication with my friend the late Mr. Justice Ranade on that Bill, who joined to his study of economic problems, a special knowledge of the Agriculturists' Act. It was in conformity with his views that I then appealed to the Government of India to deal with the question of agrarian indebtedness in a large and comprehensive way. When the announcement was first made to begin with restrictive land legislation in the Punjab, I was still in correspondence with Mr. Ranade on the subject, and I remember distinctly the emphatic opinion which he expressed to me on the measure in contemplation. It will be remembered that Mr. Ranade was in favour of the policy of the Deccan Agriculturists' Relief Act ; and still this was his deliberate opinion about the policy of restricting transfer of land.

After pointing out that we should be prepared with cut and dried opinions on all public questions, Mr. Lely next turned to denounce us as being only destructive critics. But I would ask Mr. Lely if that is really so. If he has been doing what he hopes we must have been doing, viz., following the discussion of public questions in the press and on the platform, has he not known that

though our cries are cries in the wilderness, we have been bold enough to propose constructive measures as well and have been doing all that helpless non-officials could, to induce Government to try them. Of course we have been denounced for our pains as clumsy artificers and amateur statesmen. But the charge of being only destructive critics is absolutely unfounded. I will give a few instances. We struggled with Sir W. Wedderburn for the establishment of agricultural banks, we struggled for years, extorted even the approval of the local and Supreme Governments, and still a proposal which might have to a certain extent helped in solving the money-lending problem and in controlling the sowcar, has been shelved and shelved, and it is only after years of disappointing inaction, that it is now being again resuscitated and Lord Curzon has only recently appointed a committee to report upon the question of these banks. Take again the question of the heaviness of revenue assessments. Of course the official view is that it is light. We have repeatedly asked for a commission of enquiry—the only proper course when opinions differed on so important and vital a question. But the Bombay Government is not fond of granting enquiries to establish the correctness of erring views. There is another subject at which we have been hammering away for years, viz., the rigidity of the system of revenue collections. On this point we have been supported by official authority. Sir Theodore Hope, one of the greatest revenue officials of this Presidency, openly and frankly admitted in the Viceroy's Council that the rigidity of the Bombay system of revenue collections is one of the main causes of the ryots' indebtedness in the Bombay Presidency. The report of the Deccan Riots Commission assigns it also as the main cause of agricultural indebtedness in the Deccan. We have appealed over and over again to this Government to modify this rigidity. But our appeal has been made to deaf ears. It is well known that the Bombay Government had nothing to offer, when

moved even by the Government of India, but showed indignant resentment at such criticism of its revenue policy and scouted as meddlesome impertinence the audacity of revenue officers of other parts of India to condemn any portion of it. Then again, there is the policy of the Bombay Government with regard to remissions and suspensions of land revenue in times of scarcity and famine. Over and over again we have pointed out to Government that the effects of famine were intensified by the melancholy illiberality which characterised it, that the determination to follow the system of individual discrimination destroyed nearly all its just ability, and we have time after time implored it to abandon so impracticable a policy and adopt in its place the system followed in other parts of India, notably in the Central Provinces. But all to no purpose. And now we find that while we have been treated to the large figures of the total amounts of remissions and suspensions sanctioned by Government to meet the exigencies of the last famine, the fact turns out to be that no expectant ryot was allowed to know what his fate was to be. Mr. Lely will thus see that there has been enough and to spare—and I could multiply instances—of constructive statesmanship on our side. What he ought to have condemned was the utter supineness of Government in giving it a fair hearing and test its soundness by adequate enquiries of a public, formal, and representative character. It is to enable Government to do what they should have done before bringing in this Bill that my amendment asks for time. As for ourselves, we have formed very definite opinions regarding its operation. So far as its ostensible object is concerned it will be inoperative for a long time to come. No ryot will consent to forfeit his holding if it will be possible for him to save it by incurring any amount of debt. Only the sowcar will be able to exact more severe terms. The Bill will in this way, be only instrumental in increasing the load of agrarian indebtedness. It is true your revenue collections will come in rapidly,

as the tables placed before the Council already show. The moral effect of the Bill will be most unfortunate. The ryot, as I have pointed out on another occasion, will recognise in your philanthropic intentions only a device to push the collection of your revenue and to escape the fulfilment of your promises of remissions and suspensions. Then again, the Bill in many cases will force the sowcar's hands. Where ordinarily he would have found it to his interest to show forbearance, he will now endeavour to seek safety by obtaining the protection of decrees and sales and other proceedings in civil courts. In the end, while your experiment of relieving the indebted ryot by tying his hands and feet and taking away his power of transfer and depriving him of the perpetuity of his tenure will have hardly any scope, the Bill has already operated harshly and disastrously on the ryot, and seriously affected the moral hold of your Government on him. The only gain, if gain it can be called, is a rapid collection of revenue in time of famine.

My Lord, I heard with great pain and regret the strong language employed by Mr. Lely in speaking of the men who organised the settlement of this Presidency. I cannot imagine anything more unjustifiable than his attack on those who founded and consolidated the revenue system of this Presidency. Let me tell Mr. Lely that contrasted with the present race of officials, there were great many men possessed of high qualities of statesmanship. They brought to the settlement of land in this Presidency not simply considerations for aggrandising the Government and collecting as large a revenue as possible in the present, but they were capable of bringing to bear upon the settlement far-sighted views of economic and political expediency. Therefore it was that, instead of stocking the Presidency with tenants and labourers without any incentive for improvement of the soil and without the attachment which a proprietary tenure engenders, they fixed upon a policy which left to a large extent to the agriculturists their ancient rights of property in land,

Therefore it was that first under Act I of 1865, and subsequently under the Land Revenue Code of 1879, they impressed the soil for ever with the rights of occupancy, and made it impossible for the zeal of the Revenue Department to transform occupants into yearly or short term tenants. It is not for revenue officials of the present day to set up for their critics. They are, many of them, capable administrators; they possess admirable qualities in many respects as administrators; but statesmanship of any sort they no longer possess, and large and many-sided views of great problems of Government are unknown to them. It is not because of want of ability in themselves. But the position in which they are placed, and the conditions of life and work by which they are surrounded, train them into narrow and contracted official grooves. As is the case under such circumstances of hide-bound bureaucracy, the present day officials are no longer the giants of old, but they are narrow in their views, dogmatic in their opinions, and I think I am justified in saying from what we have seen in this debate, intolerant of difference of opinion. To differ from them is not only to be wanting in the very elements of reasoning, but it is also to be wanting in honesty. I must say that Mr. Lely's attack upon the great men who were his predecessors was as painful to hear as it was undeserved and altogether unjustified.

Before I pass on I will very briefly deal with that portion of Mr. Lely's speech in which he read out his terrible list of instances of the ryots' extravagance. As he was going through it, I felt as if an avalanche was rolling over me; but as soon as I had time to look about me, I felt that I was left quite unhurt; a little examination shows that his list does not prove his case. Mr. Lely has not told us how he collected them. From a remark he let fall it seems that he employed his revenue subordinates to go about collecting them. We can understand how zealously the subordinates would perform the task, and how they would unconsciously adopt

facts to prove foregone conclusions in a way best to please their superior. Again we have not a tittle of the surrounding history of the men who were the heroes of the tale. As Mr. Lely went through his list, it was easy to observe that many of them were exceptional cases, of patels and chief men of villages and special communities which have no doubt acquired in some parts of Gujarat an unenviable reputation for unhealthy rivalry in caste distinction. These are not typical instances at all. I do not think Mr. Lely has gone the right way in collecting his statistics. Mr. Thorburn has pointed out how difficult it was in the enquiries he instituted to get at the truth without a public enquiry in which all parties were represented. It is futile for Mr. Lely to get up and suddenly place his lists before the Council without time for examination, verification and criticism. If he wants to prove his case, let him obtain from Government such an inquiry as Mr. Thorburn was authorised to institute in selected tracts of the Punjab. But assuming for a moment the validity of these instances, what does Mr. Lely hope to prove by them? They will only establish that extravagance is ingrained in the very nature of the ryot. How will you alter his very nature by your legislation, by restricting his credit, and taking away his power of transfer and cutting down his perpetual tenure? I know that Mr. Muir-Mackenzie complacently speculates that the Bill will prove an educational agency in this respect. He thinks that, having less means of borrowing, he will change his nature and grow thrifty and frugal. I can scarcely compliment my honourable friend on a statesmanlike treatment of economic and social questions. I cannot conceive a more empiric way of dealing with such problems, which are far more complicated in their incidence than he seems to imagine. Let me assure my honourable friend that he will not thus succeed in altering life-long habits, if such habits have seized the ryots, and in changing their nature, if such is their nature. If the ryot is

extravagant by nature, he will be extravagant on small means as on large means. We know the sage precept of Mr. Micawber. It is not the circumstance of possessing £100 or £1,000 that makes any difference. The man possessing an income of £100 will be ruined just as much as the man possessing an income of £1,000, if the one spends one shilling more than £100 and the other spends one shilling more than £1,000. Take English society. Does not Mr. Lely know that people with small incomes ruin themselves in the race for social distinction just as easily as people with larger incomes by going beyond their means whatever they are. If the ryot is inherently extravagant according to Mr. Lely, he will ruin himself on his restricted credit as easily as on his larger means. Even if Mr. Lely's diagnosis is correct, the remedy for the disease does not lie in this Bill.

But, my Lord, I note with pleasure that the honourable speaker who immediately followed Mr. Lely completely cut the ground from under his feet. The Hon'ble Mr. Aston has completely repudiated Mr. Lely's delineation of the ryot as absolutely unfounded and opposed to nature, and he also professes to speak from a long official knowledge and experience. I was so glad to hear Mr. Aston's emphatic and unqualified vindication of the simple and frugal and thrifty habits of the poor ryot that I am quite prepared to forgive his comparison of our arguments to those of a schoolboy.

The Hon'ble Mr. Aston.—I wish to say I have no recollection of having made any comparison with a schoolboy argument.

The Hon'ble Mr. Mehta.—Surely the Hon'ble Mr. Aston has not forgotten the use of the word schoolboy in criticising some of our arguments. But I am quite willing to accept his repudiation of any intention to compare us to schoolboys.

The Hon'ble Mr. Aston has argued that there is no constitutional question involved in this matter. In the

sense in which he uses the phrase 'constitutional question', it is perfectly true that there is no such question involved. He lays down that if Government want to change the most solemnly established policy, it is legally competent to it to do so by legislation. Nobody in his senses denies such a proposition. If the Government chooses to carry out a policy of naked and unmitigated confiscation, nobody denies that it can legally carry it out by legislation. But the real question that has been raised is different. The question is one of justice and righteousness. The question is, is it fair, right, just and equitable that a deliberate settlement of the rights in the land of the Presidency, solemnly legalised and repeatedly affirmed by the highest authorities should be nullified by the abrupt and precipitate use of the practically absolute powers possessed by Government to carry out any legislation it chooses. Nothing could justify such an invasion of established right except an urgent and pressing case proved after careful and deliberate consideration. Nothing could justify such legislative confiscation until the fullest and completest opportunity was given to the parties whose interests were to be affected, to be heard. Does Mr. Aston think that a moment's notice would be sufficient for such a purpose? Does he think a few weeks' or months' notice more than ample for such a purpose? Honourable members have been gravely talking of my amendment as one for unnecessary delay. Now what are the real facts? The first reading of the Bill was, contrary to all precedence and tradition, taken at Mahabaleshwar at the end of May, in a way to necessitate the suspension of the standing orders. The Select Committee to report on it was appointed at the same sitting. In the Viceroy's Council, a Bill is sent for opinion after the first reading; and no Select Committee is appointed till *after* all opinions are received. Here the Select Committee proceeds to consider and report on the Bill before there is time for the public to make its representations. My honour-

able friend Mr. Gokhale has described the course of procedure and deliberation in the Select Committee and how it made its report without waiting for so useless a thing as the expression of public opinion and the representation of interests affected.

Indirectly the Hon'ble Mr. Aston has let out the secret of another aspect of the Bill. The Bill alters the settlement of rights in land by quietly assuming the sole ownership of land. Mr. Aston said that it was argued that the State was not the landlord and proceeded to show that it was. In the first place, Mr. Aston has missed the point of our present contention which disputes the claim of the State to be *sole* landlord. I should think that it was too late in the day to dispute that contention. I confess that I was surprised that the Hon'ble Mr. Monteath should have thought it right to raise the old ghost again. It had been laid at rest by legislative enactments and by the most solemn pledges and declarations of the founders and consolidators of British rule in this country and by the assurances and resolutions of the highest authorities of the State. I yesterday pointed out what was the rule of Hindu and Mahomedan law even as regards waste lands. I referred him yesterday to Baden-Powell's work. Mr. Aston has admitted that Baden-Powell has taken the opposite view. He has pointed out that until a comparatively recent date, and except during a comparatively short period of anarchy and unsettlement previously to British rule, the feudal conception that the sovereign is the ultimate lord and proprietor of all land was one unknown to the rulers and people of this country. Manu in Chapter IX, V. 44, lays down: 'The sages declare a field to belong to him who first cleared away the timber, and a deer to him who first wounded it.' In Chapter VIII, V. 237, we read the case of one man sowing seed in a field which is owned by another. There is also reference to the formalities of sale (the sale by pouring out water) which is noticeable among the ancient deeds

collected in Logan's *Manual of Law*. Mr. Baden-Powell, in his book on *Land Systems of British India*, vol. I, 227, cites these authorities. His own opinion on the point is important. He says: 'If we date the institutes of Manu about the fifth century B.C., and also assume that what is said about landed interest is hardly a new idea of the author enunciated for the first time, but more or less represents accepted ideas on the subject, it will be obvious that a right (of whatever nature) in the land is a very ancient idea. It is also represented as attaching to the individual or rather to the family, of which the individual was only the head, the manager or the representative' (page 226). He further points out that, according to Manu, 'the king is no conquering lord, driving the "aborigines" into the hills or making serfs of them. He is created as the protector of all those classes and orders of men who from first to last discharge their duties. The king is to draw moderate taxes from his realm "as the calf and the bee take their food little by little." He is to take a sixth, an eighth, or a twelfth part of the crops (Chapter VII, V. 129, 130, foot-note page 227).' In regard to this matter it may be noted that the preamble to the Punjab Land Revenue Act, XXXIII of 1871, runs: 'Whereas the Government of India is by law entitled to a proportion of the *produce of the land of the Punjab* to be from time to time fixed by itself; and whereas it is expedient to consolidate and define the law relating to the settlement and collection thereof, and to the duties of Revenue-Officers in the Punjab; it is enacted as follows:—* * * .'

Coming to Mahomedan law, the author of the *Hidaya* also has adopted the same rule as the law of Manu asserts, viz., 'and the land is the property of him who first clears it.' Colonel Vans Kennedy says that 'all Mahomedan jurists agree that the person who first appropriates and cultivates waste lands becomes *ipso facto* the lord of the soil.' Further on he says: 'It is noteworthy that in 1668 A.D., the Emperor Aurangzeb's

orders show that a private right in land was then recognised. And as late as 1715, when the Company applied for a grant of the talukdari of thirty-eight villages near their Bengal factory, they were told they had to purchase the rights of the owners. And when Mr. Shore put rather a leading question to Gulam Hassan, the historian, the author of *Sayyar Mutakhrin*, assuming the right of the ruler, and asking whether therefore he ought to pay for land he required to take possession, the author replied: 'The Emperor is proprietor of the revenue; he is not proprietor of the soil.'

It is this theory of proprietary right in the land which has been from time to time embodied and confirmed in the resolutions and dispatches of Governors-General and Indian Secretaries of State. And now the abandoned and discredited theory of *sole* state landlordism is quietly and indirectly revived and the Bill assumes and proceeds upon it as an uncontroverted and incontrovertible principle. The Hon'ble Mr. Monteath angrily resents that a Bill of such a character should be denounced by us as revolutionary, and official members are surprised that anybody should for a moment question that the theory of sole state landlordism was not as old as the sun and the moon and the stars. To my mind this assurance is astonishing; and it is I and my non-official colleagues who have reason to be surprised that such a question should be raised at all at this time of day. But my honourable friend Mr. Aston is perfectly right when he says that it is competent to Government in its Legislative Department—and after all this Council is practically only a small bureau of this department—to wipe off the past and change its policy as it likes. But it is too much to ask that such a Bill should not be rushed through the Council in the way this Bill is being rushed through!

In this connection my honourable friend Mr. Aston says that he could not understand what I meant by saying that landlords may come and landlords may go, but the land remains impressed with the right of occupancy.

I asked him to read the last portion of section 73 of the Code of 1879, and tell me what is meant, and he would then understand the meaning of my words which have so puzzled him. He did not venture to do so, and I leave him to study the section at his leisure and put a judicial interpretation upon it.

My honourable and learned friend the Advocate-General tried to get over the difficulty in a new way. He sought the assistance of section 57 and discovered an analogy between lands forfeited and lands disposed of under a mortgage. He cited no authority for holding such an analogy applicable. He proceeded to argue that there was nothing in the sections 67 and 73 which, he thought, had been cited by me to support my contention. When I pointed out to him the section I had referred to was section 68 and not section 67, he did not pursue his argument. In fact it was evident that, after looking at the right section, my honourable friend practically abandoned his argument. And indeed he was in a difficult position. Government in their perplexity as to how to define their action in this respect, have been blowing hot and cold. The honourable member in charge of the Bill distinctly admitted in his introductory speech that all the law officers of Government upheld the contention which I have ventured to submit to the Council. And still he could not resist the temptation of doing something to break the fall. At the first reading he trotted out Mr. Naylor's appeal for a lease for the Bhils. Yesterday he trotted out section 37. And now come the Advocate-General and section 57. But everybody could see how these attempts have proved utter failures. There can be no doubt that the Bill gives new powers to Government, not only to restrict the power of transfer of occupants, but also to reduce the perpetuity of their tenure to annual short term tenancies.

This brings me to one of the most important and significant features—perhaps the most important and significant feature—of this debate. We have had a torrent of

eloquence on the mischief of leaving the ryots' power of alienation unrestricted. Every official member, one after another, has made long speeches on the urgent necessity of taking away his power of transfer. But it is most wonderful that they each and all have severely left alone the other twin feature of the Bill, the power of depriving him of his perpetual tenure. Watans and similar tenures to which illustrative reference has been made, are perpetual though inalienable. Is it not most significant that every official apologist of the Bill has had not a word to say in justification or vindication of this most essential part of the Bill, that they have not found it possible to justify it on the ground of benevolent philanthropy or to vindicate it on the ground of the ryot's necessity? They have all taken refuge in discreet silence. I directly challenged my honourable friend Mr. Lely, as he was speaking, not to sit down without delivering himself on this part of the Bill. I challenged him to say why, even if according to his contention it was necessary to take away the power of alienation, it was necessary to further emasculate the ryot and his heirs by taking away at the same time his perpetual tenure. My honourable friend had, in the course of a lengthy speech, not one word to offer in defence of this confiscatory action. This part of the Bill is a flagrant reversal of the policy deliberately embodied in the last portion of the Land Revenue Code of 1879, and still my honourable colleagues who cannot conceive why anybody in his senses should hesitate to pass this Bill without pause or delay, have not ventured to tackle this section or even to refer to it. All that we have got is the feeble and halting pronouncement of my honourable friend Mr. Monteath, that this section was required only to empower Government to stock timber or to build a school-house on a piece of agricultural land. Do honourable members accept this as a grave or serious argument for placing the perpetuity of an occupancy at the mercy of the Collector? Surely it is easy enough to frame a section giving

power to Government,—if they have it not at present in several ways,—to sanction such uses of agricultural plots. Is it to be gravely argued that this object cannot be attained without revolutionising the land settlement of this Presidency? If you are determined to take away the power of transfer, do so, but why in God's name, are you depriving the ryot of the status of which he is so proud, on which depends his self-respect and his dignity, and reduce him from at least a life-tenant with unalienable succession to his heirs to the status of a short term tenant? It is no answer to legislation of this character that Government do not at present intend to use to any large extent the extensive powers they are taking. It has been already pointed out by previous speakers that intentions are a frail reed to rely upon and bind nobody.

But, my Lord, we have mixed up the debate on the merits of my amendment with a full debate on the merits of the Bill itself. Your Lordship's ruling has enabled honourable members to speak on the amendment as on the motion for the second reading. But the point before the Council at present is the point raised by my amendment. Whatever opinions honourable members may have themselves formed regarding the Bill, the question is whether we should proceed in respect to it in the manner pointed out by my amendment. At Mahabaleshwar the honourable member in charge of the Bill gave as his reason for hurrying with the Bill, that the occasion for taking advantage of famine conditions would be otherwise lost. That reason has now altogether ceased to exist; so much so, that Government have seen the propriety and the wisdom of proclaiming publicly that no such advantage would be taken. No reason now remains for haste. My honourable friend faintly suggests that it is necessary to legalise certain acts of their officers. You have been able to bear the burden of the illegality for years. If you cannot wait for a few months more, you can easily pass a small measure for

that purpose. But as official members have indulged in references to honesty of intentions and integrity of purpose, I will take the liberty of appealing to my honourable colleagues if they feel that they can honestly and conscientiously refuse time—the ordinary period of time allotted to measures of similar magnitude and importance—for the full consideration, examination, and discussion of a measure fraught with such momentous issues to the welfare and prosperity of this Presidency. No words were found sufficient to eulogise the patience and fortitude with which the ryots bore the accumulated evils of famine and plague. Such appreciative words from the highest in the land could not but have gone to their hearts and raised grateful hopes of support and assistance. They received gratefully repeated promises of *adequate* remissions and suspensions. But scarcely had they emerged from the dire calamities overtaking them, they are presented with this Bill. Its very introduction has already done them incalculable mischief by exposing them to the pressure of their alarmed and impatient creditors. And now they are confronted with the prospect, at least so they believe, of losing their cherished proprietary status, or of avoiding forfeiture by raising moneys on any terms to pay off arrears. I implore honourable members seriously to consider the moral and political effects of such a situation. Is it statesmanlike under such circumstances to hurry on this Bill without at least giving them the fullest time to make their representations, and proving to them that no possible enquiry as to its economic operation has been neglected or refused ? We have been told that the ryot gladly accepts the measure as soon as it is properly explained to him. Then by all means send out your official missionaries throughout the length and breadth of the province, gain their good will and approbation, and pass your Bill. But I appeal to honourable members if they will reject my amendment under the present circumstances. Even if it was all that their

advocates claim for it, even then will it be a grave misfortune to pass it on an unwilling and suspicious people, and press it on them before they are ready for it. It is this serious question that is now before the Council.

FIRST LETTER ON THE LAND REVENUE BILL.

[To the Editor of the "Times of India."]

Sir,—You have devoted so many leaders and such an unusual amount of space to sing the praises of the official, and to fling curses on the heads of the non-official members of the Legislative Council, regarding the recent land legislation, that I wonder you have not found space to reproduce in your columns the letter signed 'Bombay'* to which you refer in the article in which you endeavoured yesterday to castigate Mr. Maclean for his audacity in attacking the Revenue Amendment Bill, and that, too, in a most unholy, blasphemous and scarilegious manner. You will allow me to say that the publication of the letter would have been most instructive, though in an indirect and upside-down manner.

With that freedom of invective which officials deny to others but arrogate to themselves, the opponents of the Bill have been charged with 'reckless and perverse misrepresentation,' if I may be allowed to borrow a very elegant phrase of the Hon. Mr. Muir-Mackenzie.

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* The following is the letter signed 'Bombay' which appeared in the *Manchester Guardian* :—

It would require more space than you, perhaps, would be willing to accord me if I were to set out at length the points in issue in the controversy that is being carried on in Bombay concerning the Land Revenue Code Amendment Bill that has lately been introduced in the local Legislative Council. But Mr. Maclean's letter in to-day's *Manchester Guardian* so completely misrepresents the objects of that Bill and the situation with which it deals that I must ask your indulgence for a brief elucidation of the measure.

Mr. Maclean informs your readers that 'it is actually proposed to pass a law exacting the penalty of forfeiture throughout all Western India and then re-granting the land to the cultivators without the right of transfer which is now secured for them.' He sees in this measure a re-enactment of the policy of Joseph when he took advantage of the famine to 'buy all the land of Egypt for Pharaoh,' and he declares that the effect will be to sweep away the thirty years' lease system, with its rights of renewal and transfer, and to convert the peasant by a stroke of the pen into a mere tenant at will.

Now I venture to say that 'Bombay's' letter shows in a remarkable manner that if there is misrepresentation, the unconscious credit of it must be given to the official apologists of the new legislation. 'Bombay' claims to comprehend the official utterances in explanation of the Bill; and still his letter signally shows that in spite of a careful study of 'the Bill and the explanation of its aims which have been furnished by its authors,' he has succeeded in misinterpreting it more wildly than he has charged Mr. Maclean with doing. He has fallen into the same blunders and contracted the same misconceptions with regard to the scope of the Bill as those into which a section of the public (from which, I am afraid, it is not possible to except you) have been led by the further official 'explanations of the authors' of the measure. You have been lost in admiration of the great speeches made by the distinguished official members of the Council, whose infallibility in your opinion far surpasses that claimed for the occupant of St. Peter's chair.

If Mr. Maclean had given the most cursory glance at the Bill and the explanation of its aims which have been furnished by its authors, he could never have so wildly misinterpreted it. The Bill does not 'exact the penalty of forfeiture throughout all Western India.' It deals, on the contrary, only with land already subject to forfeiture according to the provisions of that very revenue system which he describes as 'for the greater part of a century the charter of the Bombay peasantry.' And instead of proposing to convert the peasant into a mere tenant at will, it will result in freeing the indebted cultivator from his debt to the State and in reinstating him in permanent possession of his holding, subject only to the condition that he is not to alienate it without the permission of the Government. The permanence of the ryot's rights will in no wise be affected; it will, in fact, be the more assured to him in every case in which the new tenure comes into operation. That his credit will be restricted – probably to something approximating to the value of his standing crops – is true. But then the ryot whose creditors will not help him to escape forfeiture has obviously exhausted his credit already.

There is room enough and to spare for discussion upon the question whether it is wise for the State to limit the ryot's freedom in the disposal of his holding, as the Bill proposes to do. But if that discussion is to be entered upon in the English Press, let us, at all events, not set out upon it under such fundamental misconceptions of the Bill as are exhibited in Mr. Maclean's letter.

Words have failed you adequately to describe the strength of their arguments and the wisdom of their conclusions in vindicating the urgency, the necessity, and the humanity of the provisions of the Bill. And yet these wonderful speeches were confined to one topic, and one topic alone, *viz.*, the desirability of restricting the ryot's power of alienation.

The section of the public who do not care to look into the matter for themselves have been thus led to believe, exactly in the same way as 'Bombay' has been led to believe by a study of 'the Bill and the explanations of its authors,' that the Bill aims at nothing more than to deprive the ryot of his existing power of transfer. 'Bombay's' letter enables us to bring out in vivid colours the misconceptions into which the section of the public I have referred to, has been led by the eloquence and wisdom of its authors. It accentuates them in such clear-cut fashion that I crave the boon of a little more space.

1. 'Bombay' first points out that the Bill does 'not exact the penalty of forfeiture throughout all Western India,' but 'deals only with land already subject to forfeiture' according to the Bombay Revenue Code. It is true that the Bill proposes only to deal with land liable to forfeiture under the existing Code; but 'Bombay' has failed to perceive that the Bill completely changes the character of this forfeiture. Under the present Code, the forfeiture does *not* place the land at the absolute disposal of Government, as if Government were sole and absolute landlord. The Hon'ble Mr. Monteath in his opening speech, at the first reading, distinctly admitted that this was the distinct opinion of their law officers and the wording of Sections 68 and 73 of the Code can leave no doubt that no other opinion is possible. Under the new Bill, Government establish themselves as the sole and absolute landlords of the soil in contravention of repeated solemn engagements to the contrary. Mr. Maclean's Scriptural illustration is more

apposite than 'Bombay' imagines. Joseph took advantage of the famine to acquire the land of Egypt for Pharaoh; but he paid for his purchases, though he paid famine prices. When the new Bill was introduced, and before the resolution of August was issued, Government expressly hoped to take advantage of forfeitures brought about by famine and by the stoppage of the promised remissions and suspensions, to acquire survey lands without paying anything for them at all, except foregoing arrears of assessment which should have been suspended or remitted. Joseph's policy, though hard, was in accordance with existing law and custom. The policy of the new Josephs is based upon new law required to be created for taking advantage of famine conditions.

2. 'Bombay' next points out that 'instead of proposing to convert the peasant into a mere tenant-at-will, it will result in freeing the indebted cultivator from his debt to the State and in reinstating him in *permanent* possession of his holding, subject only to the condition that he is not to alienate it without the permission of the Government.' 'Bombay' proceeds complacently to add that 'the *permanence* of the ryot's rights will in no wise be affected; it will in fact be the more assured to him in every case in which the new tenure comes into operation.' I believe this is the view of the Bill still taken by our critics who have denounced the 'inflammable oratory' of the misguided and perverse opponents of so humane, generous, and wise a measure. They have been moved to tears, both of sadness and anger, at the spectacle of natives of education running down a measure so unselfishly conceived for the elevation and amelioration of the ryot's status, and the permanent preservation of his rights. I have never been able to make out clearly from your lengthy but eloquent articles whether you, like these people, have mixed yours to the pathetic protestations of these amiable friends and protectors of the poor down-trodden, debt-ridden ryot, and whether, unlike them, you are aware that the scope

of the Bill is in reality absolutely *the contrary* of the glowing description given by 'Bombay' in the words above quoted. Such, however, is the fact. The new Bill abrogates the old law and *takes away by express words the permanent character of the ryot's holding.* Under the Revenue Code of 1879, every occupant held his number *in perpetuity* (section 68). This section is now repealed, and Government take powers to grant the land *for any period they like. The permanence of the ryot's rights is thus radically affected* : and at the sweet will of the Collector he can be transformed into a yearly or short term tenant.

But this is not all. Government can, *under the amended Bill*, alter the assessment fixed on settlement before the expiry of thirty years, and can raise it as it likes. The revision of assessment at periods of thirty years is trying enough. But the ryot's lot under the new dispensation can be better imagined than described. Still this is not all. Whatever may be the intention of Government, the Bill as it stands, '*frees the holding* from all tenures, rights, encumbrances, and equities theretofore created in favour of any person *other than Government* in respect of such occupancy or holding.' The claims of Government are expressly preserved.

It will be thus perceived that the Bill goes far beyond the simple restriction of the power of alienation. It gives powers to Government to deprive a holding of its tenure *in perpetuity* in *exactly the same way* as it gives power to restrict alienation. It is so far absolutely the contrary of what 'Bombay' conceived it to be. 'Bombay' is neither a hostile critic nor an uninformed demagogue. The question naturally arises, how is it that he has gone so completely astray in his interpretation of the Bill? Is it because 'the explanations of its authors' have misled him?

In a portion of my concluding speech in Council which you were not able to report, I challenged those superior men who, according to you, have a monopoly of all

wisdom, experience and humanity, to say why in their excellent speeches they dilated at such length on the necessity for restricting the power of alienation in the ryot's own interest, but had not a word to say why he was to be also deprived of the *permanent character* of the holding. I also challenged them to say, for what reasons of humanity and beneficence Government should have taken the same opportunity for aggrandizing themselves and have quietly raised themselves to the status of sole absolute landlords in flagrant contravention of their own solemn engagements to the contrary? I have not heard a single reason or argument in reference to these queries, which has been at any time advanced by any of the eminent advocates of the Bill. But I am mistaken. The Hon'ble Mr. Monteath has given a reply to my challenge. That reply reminds me of the reply given by the unmarried lady whose misbehaviour was exposed by the birth of a child. Casting a reproachful glance up at her censors, and looking down lovingly at the burden in her hands, she murmured pathetically, '*But it is such a wee little thing.*' In the same way Mr. Monteath pleads that the powers taken by Government in the Bill are intended at present to be exercised very sparingly. But unfortunately, legislative babies are apt to be very sturdy brats under the fostering care of a benign Government; they have such a remarkable faculty for growing!

6th September 1901. PHEROZESHAH M. MEHTA.

SECOND LETTER ON THE LAND REVENUE BILL.

[To the Editor of the "Times of India."]

Sir,—It is very presumptuous of me, no doubt, to set up as a critic of so august a body as Government and so infallible a journal as the *Times of India*, which, I take it, is the sum and substance of the sarcastic honours which you have been good enough to shower on my devoted head at the end of the first paragraph of your to-day's leader on my letter, as the sole repository of wisdom, censor, flagellator, expert, and everything else that is supremely silly and conceited. And yet such is my foolhardiness that I still believe that I am plainly right and you are plainly wrong, to such an extent that, reading your article, I stood aghast at the evidence it contained of how thoroughly you have failed to understand the real scope of the new Revenue Amendment Bill. Thrusting me aside as a mere lawyer, you undertake to expound the Bill as a lawyer who is at the same time a sensible and practical statesman. I hope you will not be offended if I venture to say that, in this dual capacity, you remind me of the Scotch lawyer, depicted by Burns, who, when his law failed him,

Eked it out with common sense.

I am afraid your statesmanship is very much the same useful article as the Scotch lawyer's common sense; it comes in very handy when the law has run out. Though the lustre of your numerous witticisms against me is somewhat dazzling, I think your article unmistakably shows that, in turning your legal mind 'to the obvious and evident and commonplace,' you are confounding the legal scope of the Bill itself with the *intentions* of Government as to how far they at present, *in their discretion*, mean to use the powers taken by them in the Bill. But the real question is not of *intention*, but of the legal powers vested in Government under the provisions of

the Bill. Without meaning for a single moment to charge the official authors and supporters of the Bill with conscious misrepresentation (which of course would be 'rank blasphemy' in a common man like me, while 'only a choleric word' in a great Government official), I do freely and openly complain that they have contributed largely to confuse a real understanding of the Bill by constantly and angrily speaking of the provisions of the Bill and their own intentions regarding them as being one and the same thing. I confess that, in them, this is not quite unpardonable, for the sense of their overwhelming power cannot but render the faint line between executive and legislative action, fainter and fainter to them with advancing experience. But I fail to see why you should fall into the same error without having the same justification for it. The subject is of such engrossing importance just now, that I will pray you not to be angry with me if I endeavour—and I assure you I do it in all honesty in the interests of the ryot as well as the *sowcar*, and in the public interest generally—to win over your powerful voice to our side by showing that you are mistaken, as your to-day's article shows, in the view which you have taken of the legal scope of the Bill, letting alone the intentions of Government.

I think I can best and most briefly state the view I take of the Bill by putting it in juxtaposition with yours. In doing so, I must carefully eliminate the loose use of the words *waste* land and *unoccupied* land, of which even Mr. Monteath has been guilty, in both his speeches on the first as well as the second reading of the Bill. I will strictly confine myself to the use of the words *forfeited survey lands*, about which alone our main contention lies. Now you admit that the Bill vests Government with legal power to do what they could not do under the Revenue Code of 1879, *viz.*, restrict the right of transfer in regranting survey lands which have been forfeited for non-payment of assessment. What we say is, that it does this, and one thing more, in the same way, by the very

same amending section, and by the very same words. The rights of occupancy consist in the holding being *heritable, transferable* and *in perpetuity*. These rights are attached to all survey lands by sections 68 and 73 of the Bombay Land Revenue Code of 1879. Section 68 runs: 'An occupant is entitled to the use and occupation of his land, * * if a *survey settlement* has been extended to his land, *in perpetuity*,' &c. Section 73 then provides: '*The right of occupancy* shall be deemed an *heritable and transferable property*, and shall *immediately pass to the person* whose agreement to become occupant shall have been accepted by the Collector.'

Now, may I ask you to say plainly what is the effect of these sections? Neither Sphinx nor oracle could have been more oracular or Sphinxlike than you are in dealing with this question in your article. You first of all fly for refuge under the wings of the Advocate-General:—'Mr. Mehta's comments regarding forfeitures were amply answered by the Advocate-General in the debate on the Bill. Mr. Scott pointed out that the position of Government, where there is no sale or forfeiture, is exactly analogous to the position of a mortgagee who has obtained a foreclosure decree. We need not search the Scriptures for illustrations in this connection; we may be content with the prosaic provisions of the Land Revenue Code.' The last portion of this utterance sounds mighty fine; but what does it mean? I suppose even such plain and commonplace lawyer, as you describe yourself to be, is aware that analogy may serve usefully as an illustration, but it is not argument in itself. To argue simply by analogy without first establishing it by authority is to beg the question. The Advocate-General was perfectly aware of this. If you had reported fully and accurately the latter portion of his speech, you would have seen how his stately vessel foundered before reaching shore. He knew that he must show that there was any room for analogy between the effect of a foreclosure and that of a forfeiture. He did proceed to

refer to that prosaic provision of the Code; but alas! he missed the right sections. As he was triumphantly reading section 67 and arguing that there was nothing in it to bear out my contention, I pointed out to him that I had referred not to section 67, which certainly was most harmless, but to section 68. To section 68 he then turned, but as he read it to himself, he seems to have perceived that it completely destroyed his contention, and quietly sat down. He had practically abandoned the position he had sought to maintain, and no wonder. I am surprised that you should have forgotten that the legal position which the Advocate-General rose to maintain had been deliberately given up by Government themselves. In his carefully prepared speech on the first reading, Mr. Monteath said: 'But the Law officers of Government now hold that every person who is legally invested with a right to the possession and enjoyment, in any form, of land is an occupant, and, as such, has, under section 73, an heritable and transferable right in it. *If a survey settlement has been extended* to the land the occupant is entitled to the use and occupation *in perpetuity*.' Indeed, if this were not the correct interpretation of sections 68 and 73 of the Code of 1879, there would be no *raison d'etre* for the Bill at all. If after forfeiture without sale, Government occupied the same position as a mortgagee on a foreclosure, that is to say, the position of absolute owner, then no amending act would be at all required to enable them to grant leases on forfeited lands on any terms and conditions whatsoever, including short periods and disability of alienation. It is because they were advised by their own legal officers that they could grant *forfeited survey* lands only on full occupancy rights, that the amending Bill saw the light of day.

You will thus see that my comments regarding forfeitures, so far from 'being amply answered by the Advocate-General,' were in unison with the opinion of the Law officers of Government, given, not in the heat of

debate, but after long and careful deliberation, and probably, I may add, with every desire to arrive, if possible, at an opposite conclusion.

From your unsuccessful attempt to demolish me on the question of forfeitures, let us pass on to the next branch of your learned exposition of the real inwardness of the amending Bill. You say: 'Mr. Mehta's next point concerning a statement in the letter signed "Bombay" regarding the permanence of the ryot's rights resolves itself upon examination into a mere juggling with words. When "Bombay" stated that the permanence of the ryot's rights will in no wise be affected, he was obviously stating in a simple form for the benefit of a public uninitiated into the mysteries of Indian revenue administration, what Mr. Monteath put in more technical phraseology in his speech on the second reading when he said: 'The occupants on the restricted tenure will have the same right of holding in perpetuity as other occupants, and the guarantee of the survey assessment will be as binding in their case as in any other case.'" I do not know what is your idea of juggling with words. I directly charged 'Bombay' in regard to this point with putting forward a view which was 'contrary to fact.' There can be no jugglery in such a downright plain-spoken charge. It seems to me that there would be more appropriateness in sending back the compliment you have paid me to roost at home. In quoting from Mr. Monteath's Gospel, you carefully guard yourself from saying whether the assurance given by him refers to the scope of the Bill itself or to the *intentions* of Government as to the use they propose to make of their powers. It would seem that the latter was Mr. Monteath's meaning, if your quotation was taken along with the sentence immediately preceding it.

'It has been' says Mr. Monteath, 'repeatedly and most emphatically declared that the short leases are to be granted for alluvial lands and lands within forest limits, which, from the nature of things, cannot be given

on a permanent tenure; and that when lands are given out for permanent cultivation on the *restricted tenure*, the occupant will have all the rights of an ordinary occupant except the free power of transfer.' I will not stop to complain how utterances like these, in which relevant and irrelevant matters are mixed up, and vagueness takes the place where definite limitation is essential, fill one with despair. But you will observe that Mr. Monteath does not say that the result he describes will be the *legal result* of the new provision; he never goes beyond describing it as the result of the contemplated action of Government on those provisions. He only talks of repeated and emphatic *declarations* of what will be done. But he never commits himself to the assertion that *such is* necessarily the *legal* operation of the Bill. I am free to admit that the view put forward by 'Bombay' on this point is only an echo of Mr. Monteath's utterances. Indeed, I do not know why you should strive to vindicate him from a charge I never made against him. On the contrary, what I charged against him in my last letter was that he followed the official explanations only too credulously, and thus allowed himself to be misled. Not that I wonder he was so misled. An amending Bill with its bare dry enumeration of additions and omissions and substitutions of words here and words there, is difficult to decipher; and it was only natural that 'Bombay' should in the simplicity of his confidence, accept what he could have no reason to doubt was the correct interpretation of the scope of the Bill, given by its authors, without feeling it necessary to scan *closely* the words of the Bill itself. If I can do so without calling down on my head some of your smartest epigrams, may I say that in this respect you yourself are very much in the position of 'Bombay'? Otherwise I can scarcely conceive that when I said that 'Bombay' had misinterpreted the Bill on this point owing to the misleading character of official utterances on the subject, you could hope to answer me successfully

by pointing out that those very official utterances bore out his interpretation! There could be no conclusive answer to my contention, without turning to the Bill and its very words. Let us do so. Clause 2 of section 8 of the amending Bill runs as follows:—

To section 68 of the Code, the following proviso shall be added, namely:—'Provided that *nothing in this or any other section* shall make it, or shall be deemed ever to have made it, unlawful for the Collector *at any time* to grant permission to any person to occupy any unalienated *unoccupied* land *for such period* and on such conditions as he may, subject to the orders of Government, prescribe; and in any such case the occupancy shall, *whether* a survey settlement has *been extended to the land or not, be held only for the period* and subject to the conditions so prescribed.'

Can anything be clearer? The Code of 1879 provided that survey lands, whenever occupied, should be held only *in perpetuity*. The above amending section takes away expressly survey lands from the old provision and regards it legal for the Collector to regrant them *for any period*. This will be realized more distinctly *when it is remembered* that it is by the same amending section that the right of transfer annexed to survey lands under section 73 is also taken away. Just as the Collector is empowered *under the words 'on such conditions,'* to deny *the right of transfer*, so is he empowered to take away *the right of perpetuity under lhe words 'for such period.'* It is futile to maintain in the presence of these words, that under the new Bill, 'the permanence of the ryot's right will in no wise be affected,' or 'that the occupants on the restricted tenure will have the same right of holding in perpetuity as other occupants.' There can be no doubt that the right of perpetuity is vitally affected by placing it *at the discretion* of the executive Government, and what is more dangerous, at the discretion of its Revenue Department. This is exactly also the way in which the right which you admit is affected by the Bill is restricted, *viz.*, the right of alienation or transfer.

This is still more manifest if we take sections 8 and 9 of the Bill as originally introduced before their verbal

form was amended by the Select Committee. They ran thus:—

8. After section 68 of the Code shall be added a new section as follows, namely:—

'68*A*. *Power to give out lands as temporary occupancies.*—Nothing in this Act shall make it, or shall be deemed ever to have made it, unlawful for the Collector to grant at any time permission *for such period* and on such conditions as he may, subject to orders of Government, prescribe, to any person to occupy any unalienated unoccupied land, *whether a survey settlement has been extended to such land or not.*'

9. *Power to restrict right to transfer occupancies in special cases.*—The following shall be substituted for section 73 of the Code, namely,—

'The right of occupancy shall, subject to the provisions contained in section 56, *and to any conditions that may be or may have been imposed under section* 68*A*, and save as otherwise prescribed by law, be deemed an heritable and transferable property.'

In spite, however, of your quotation from Mr. Monteath's speech which, as pointed out above, can only really refer to the *intention* of Government and not to the actual scope of the Bill, you will find that the honourable member has practically admitted that the Bill does vest in Government full powers to grant forfeited survey lands for short periods at the discretion of the Collector. His vindication for taking such *extensive* powers is that Government may want to pile haystacks on a piece of unoccupied survey land or to build a schoolhouse on another, or to treat waste or alluvial lands specially. The sincerity of this plea was, however, put to a crucial test by the Hon'ble the Chief of Ichalkaranji. He moved an amendment by which with some additions Government could meet all such exigencies of any sort and kind whatever without putting it in their power to re-grant forfeited survey lands for agricultural purposes for short periods. The amendment was as follows:—

To add the following at the end of clause 8:—'Provided that, except in the case of land to be affected by oblivion or land in the cultivation of which intervals of fallow are necessary, the permission *shall be* heritable and *in perpetuity*, and the assessment shall not be higher than the survey assessment on similar land.'

This amendment was not accepted by Government and was summarily rejected. Any further comment on this point is needless.

I now come to the third and last point of your 'obvious and evident and commonplace' exposition. 'Mr. Mehta's third point' you say in your article, 'is to all intents and purposes a replica of his second. We may answer it by quoting a sentence from one of our previous articles. "If these members" we said, "object to the principle of eviction for non-payment of a public due, they must, to be consistent, object to eviction of State tenants for non-payment of a private debt'." Now I confess that when I read this plausible contention, I was sorely tempted to borrow the forcible language of the Hon'ble Mr. Monteath, when, in his speech on the second reading, he admonished us as to our duties, and said: 'We do expect those who take the part of leaders of public opinion to adhere to the first principles of reasoning.' But I will resist the temptation and only say that the sentence you have a second time quoted from a previous article proves that you have not yet mastered the legal aspects of the problems involved in this discussion. Nobody has ever denied, certainly neither myself nor any of my non-official colleagues, that an occupant is not liable to be evicted for non-payment of assessment. He holds it in perpetuity, subject to payment of Government dues, and if he will not perform the condition, his holding is liable to forfeiture and he must quit it. What we *have* argued is, that even where a particular occupant is evicted, whoever happens to be his successor or whose agreement to become occupant shall have been accepted by the Collector, again holds the land with full occupancy rights including that of perpetuity. As I said in my speech in Council, individual holders may come and individual holders may go, but whoever holds it, holds with the full rights of occupancy under the Land Revenue Code. Though an individual occupant enjoys these rights only while he fulfils the condition of due payment of assessment, the land itself enjoys them for ever. We know the object of the framers of the Code who deliberately inserted the final

clause of section 73. It was to prevent the agricultural lands of the Presidency being given out to yearly or short term tenants, and to ensure the existence of a class of peasant proprietors. Whatever other people may say about it, the Hon'ble Mr. Monteath, as the spokesman of Government in charge of the new Bill, has ungrudgingly admitted that 'it is certain at any rate that under this system, the prosperity of the Presidency has advanced by leaps and bounds.'

The last word of your article was 'one of gentle correction.' Let mine be one of gentle remonstrance. You indignantly flare up at the remotest shadow of a reflection upon the motives of the official advocates of the Bill. With admirable consistency you have no hesitation in charging us with 'pleading for the cherished rights of the *sowcar*', and you clinch the indictment by adding: 'That is the touchstone of the opposition to the Revenue Bill.' If you can free yourself from the passionate prejudice of advocacy, I will ask you in your cooler moments to reflect why I and my colleagues should plead for the cherished rights of the *sowcar* rather than of the ryot, and why our sense of public duty should be so corrupted as to play the unworthy part you in common with the officials ascribe to us. Is it impossible for you to conceive that it is not quite beyond the bounds of belief that we are carrying on the fight in the real and genuine interests of both *the ryot* and the *sowcar*, and that we are opposing the Bill because we are seriously alarmed at the prospect of placing absolute power in the hands of an irresponsible bureaucratic department like the Revenue Department of this Presidency, which may be used for stocking the length and breadth of this Presidency with yearly tenants and daily labourers without the slightest incentive to improve the land, in place of peasant proprietors.

You have cited the report of Sir A. MacDonnell's Famine Commission on the question of restricting the power of transfer. The same report also shows the un-

reasonable lengths to which the Bombay Revenue Department can go in obstinate, or I should perhaps say, strong-minded defiance of all the teachings of knowledge and experience. Who could have imagined that after profuse promises of remissions and suspensions, they could perversely keep the afflicted ryots in ignorance of their respective individual fates? The touchstone of our opposition is not our interest in the *sowcar* as against the ryot. It is in our unaffected alarm at the extensive powers which the Department are taking to themselves under the Bill, an alarm which is not mitigated by mere personal assurances of wise moderation.

Only one word more. We emphatically claim that we have no personal interest in the matter. I know it is alleged that Government are equally disinterested. I am willing to admit that even if they were interested, their interest did not inspire their action. But disinterested they certainly are not. The Revenue Department has been long hankering for an authoritative establishment of their pretensions to sole State landlordism. This at last they secure by this Bill.

10th September 1901. PHEROZESHAH M. MEHTA.

THIRD LETTER ON THE LAND REVENUE BILL.

To the Editor of the *Times of India*.

Sir,—I readily confess I cannot gainsay the justice of your description of my last letter as one of portentous length. Your brief article on it, of close upon three columns, elicits my warmest admiration. You have now come so far as to admit that so far as the real scope of the Land Revenue Bill itself is concerned, Government have taken powers to grant forfeited survey lands on a tenure restricted, not only as regards the power of transfer, but also as regards the *duration* of the lease. You admit that when you joined 'Bombay' in saying that 'the *permanence* of the ryot's tenure will in no wise be affected,' such result may only be achieved by the exercise of *executive* discretion and forbearance in not using to the full the powers secured to Government by the Bill. But you now protest that the Bill does not change in this respect the existing law, and you again fly to the arms of the Advocate-General. How weak the protestation is, can be imagined when it is borne in mind that you at the same time admit that the Law officers of Government have given exactly the contrary opinion, and that it is because there is no getting over that opinion, that Government have felt compelled to undertake new legislation. 'Mr. Scott's contention was,' you write, 'that Sections 68 and 73 were made subject to the provisions of Section 56 relating to forfeiture. Government had therefore the same rights over forfeited land as a mortgagee would have over lands obtained by him under foreclosure decree.' In the very process of laying down this law, it is evident that serious doubts seize you as to its soundness. The dexterity with which you try to thrust them aside is charming. You cannot help seeing that if the acting Advocate-General is right,

the Law officers of Government, among whom the Advocate-General is always considered the foremost, are wrong. So, with an air of overpowering candour, you gravely add: 'Possibly, this point was *overlooked* by the legal advisers of Government *who preceded Mr. Scott*; and it is no doubt open to argument.' It is impossible to resist the grace with which you make so impartial a concession; and it is besides very cruel-hearted to question Mr. Scott's title to glory over all his obtuse predecessors. It is a pity that he should have reserved the announcement of his great discovery till the very last moment; and the prosaic-minded people are, under such circumstances, inclined to designate such sudden discoveries as mare's nests. But in all seriousness, is it possible to question the soundness of the opinions of Mr. Scott's predecessors and colleagues—opinions which would have never been given but that they could not possibly help themselves? I will not say it is perilously near to nonsense, but I will only say that it is opposed to rules of statutory construction to say that 'Sections 68 and 73 were made subject to the provisions of Section 56 relating to forfeiture.' They have all to be read together, and the earlier section is followed out by the positive provisions of the later sections with regard to the consequences of forfeiture under certain circumstances. Section 56 provides that land is liable to forfeiture for failure of non-payment of arrears of land-revenue, and empowers the Collector to levy all such arrears by sale, or by otherwise disposing of the forfeited occupancy or alienated holding. Sections 68 and 73 then proceed to provide what consequences will attach when lands brought under the Survey Settlement are otherwise disposed of. Says the latter part of Section 73, 'the right of occupancy shall immediately pass to the person whose agreement to become occupant shall have been accepted by the Collector.' I put it to you whether, in relying on Mr. Scott against all the other Law officers of Government, you were not leaning on a rather frail reed.

I do not care to say very much about your gallant defence of Mr. Scott in another respect. 'The citation by him,' you say, 'of Section 67 was a mere slip of the tongue, and when Mr. Mehta pointed out that the relevant section was 68, Mr. Scott made it clear that his previous utterances had been intended to apply to that section.' I have very great regard for Mr. Scott, and will only say that he not only gave the number of the section as 67, but proceeded to read it and point out that there was nothing in it to support Mr. Mehta's argument. It was at this stage that I intervened, and the Advocate-General sat down without finishing the reading of Section 68.

The vehemence of the next protestation is proportioned to the consciousness of its utter weakness and groundlessness. You protest indignantly that you don't care if the old Code did not mean what you contended it did; it ought to have done so, and should be ashamed of itself for not doing so. The lofty dramatic air with which you hurl defiance on this point is simply superb. 'Mr. Mehta reiterates his assertion,' you argue, 'that Government are taking to themselves a new and revolutionary power. But he must, or should know, full well that the position of Government is that they have removed doubts which have arisen as to the lawfulness of the exercise by them of *inherent, ancient, indispensable and universally recognized powers*. Those powers are to grant land which is not the property of private persons to whomever and on what terms Government may please.' *C'est manifique, mais ce n'est pas la logique*, as the French would say. This is the gospel, no doubt, according to the Apostles of the Revenue Department; and it is because they are so utterly demoralized—these Apostles—as to demand acceptance of their twelve Commandments as possessing divine authority, that their fresh aggrandizement by means of the new Bill has roused universal consternation and alarm. The best part of the joke, however, is that, while the

sentence in which you defy Heaven and earth to controvert your position, is beautifully full-flowing and proudly axiomatic, the contention embodied in it has nothing to do with the question at issue. Of course, philosophical speculation into the origin of things is always most interesting; though even then your sweeping assertion would scarcely be borne out by the principles of nature, the doctrines of law and custom, or the facts of history. But it would not do to startle the public with your real contention in all its nakedness ; and I recognize that you are only imitating Mr. Monteath in dexterously preparing the way for it. That contention is not one of academic speculation, but it is one which is concluded by positive law ; and there is no escape for you ultimately but to descend into those lower regions, and to argue and protest, as Mr. Monteath did in his speech and you do in your article, that the sections of the Land Revenue Code were framed to deprive Government of power to deal with forfeited survey lands only 'by inadvertence.'

It is scarcely needful to point out that the burden of proof lies heavily on the shoulders of the person who advances such an argument. He must establish it clearly and indefeasibly. It will scarcely be believed that this heavy burden is sought to be discharged in a way which would meet with very short shrift in any judicial tribunal, or, for the matter of that, in any tribunal presided over by sound common-sense and judgment. What is the wonderfully overwhelming fact on which you rely for this purpose ? I will give it in your own words. You say 'that it was not intended to deprive Government of this power is shown by the fact that *within a few years* of the passing of the Code, Mr. Naylor, the draftsman of the Code, prepared special leases containing restrictions on the right of transfer to be granted to Bhils and Kolis desiring to occupy survey lands.' I will say nothing about the entire absence of information as to under what exact circumstances and under what precise

instructions Mr. Naylor was called upon to prepare these leases, or what were the number of years that had by that time elapsed. The importance of these details will be realized when it is borne in mind that the Revenue Department now professes that, in the words of Mr. Monteath, 'it is not, however, always easy to say whether a Survey Settlement has been extended to certain lands or not.' Did Mr. Naylor know that the leases to Bhils and Kolis related to *survey* lands? I must also point out that, though in your article you speak of the lands for which the leases were required as *survey* lands, Mr. Monteath himself speaks in far more guarded language. Indeed, his language would show that the 'inadvertence' was with regard to non-survey lands. In his speech on the first reading of the Bill, he said: 'The third and most important point which it is proposed to deal with, is the grant of land on terms other than those specified in Section 73 of the Land Revenue Code. *It was long supposed that that provision was applicable only to persons holding on the survey tenure,* and that it was competent of Government to allow the cultivation or other use of *land in which it has an absolute right* on such terms as might seem suitable in special cases.' After referring to alluvial lands on the banks of the Indus and other rivers in the Presidency proper, to forest lands, and to *sheri* lands in Ratnagiri, Mr. Monteath proceeds: 'I think it will be admitted that it is reasonable, if not absolutely necessary, that Government should have the power of disposing of lands in such ways as I have mentioned, and we have every reason for supposing that there was no intention of taking away this power when the Land Revenue Code was framed. The form of lease given to Bhils in Khandesh was *approved* by Mr. Naylor, who drafted the Act.'

You will observe that Mr. Monteath nowhere commits himself to the statement that the leases were with regard to *survey* lands. Indeed, he evidently draws a distinction

between survey and non-survey lands, and speaks of there being 'no intention to take away the power,' only as regards non-survey lands, admitting that the provisions of Section 73 were long supposed applicable only to persons holding on the *survey* tenure. The 'inadvertence' on which you now fall back could not, according to Mr. Monteath, have been in respect of lands held on the survey tenure. However that may be, you must see that Mr. Naylor's vague action some years subsequently cannot be treated as a serious argument that the Code was intended to be otherwise than what it is. Mr. Naylor was neither a member of the Select Committee nor of the Legislative Council at the time; neither was he the author nor one of the authors of the Code. Weak as your inferential argument is, the positive evidence on the other side against your 'inadvertence' theory is overwhelming. It is not necessary even to press into service the full and repeated assurances given by the President and his executive colleagues during the passage of the Code through the Legislative Council, that full *proprietary* rights went with the survey tenure. We have only to look at the Code itself. Generally speaking, inadvertence in a legal measure arises negatively, or through the employment of words for one purpose which indirectly leads to another and unexpected one. But where there are positive words, disclosing a clear purpose, there is no room for the theory of inadvertence, at least as far as that purpose is concerned. And that is exactly the case with respect to the point at issue between us. That point is as to the power of Government to deal with forfeited survey lands otherwise than by sale. Section 73 says: 'The right of occupancy shall be deemed an heritable and transferable property, &c., *and shall immediately pass to the person whose agreement to become occupant shall have been accepted by the Collector.*' It is impossible to explain the presence of the words in italics in the section on the theory of inadvertence. As I have all along pointed out, the Code

has deliberately provided that the Government can re-grant forfeited survey lands only on the full occupancy rights of heritableness, transferability and perpetuity. I repeatedly challenged Mr. Monteath and his official supporters during the debate in Council to say for what other purpose these words could have possibly been inserted in the section. If they were right, it could not possibly enter anybody's imagination to conceive and insert these words. Some malignant sprite only must have surreptitiously got them printed in the Code out of pure malice to vex the souls of the revenue philanthropists of the present day.

This is my last letter. The new legislation has created a situation more serious and melancholy than some people imagine. The attempt to restore the confidence of the ryots by assuring resolutions of Government is unavailing. Government no doubt started with good intentions. But good intentions without careful guidance often lead to unexpected and contrary results. What is the spectacle that confronts us now? So far as the experiment of a restricted tenure is concerned, for the present there is very little scope for it. But while the ryot expected that he would get suspension or remission, if he could not pay arrears without incurring debt, he has been frightened into precipitate payment of arrears by getting deeper into debt on worse terms than before, with a fresh famine looming before him in some parts of the Presidency. He could have expected some forbearance from his *sowcar* in the latter's own interest; he is now threatened with harassing process for the protection of that interest,—the rush for decrees and the imminence of sales under them. All this while he sees that, instead of the promised benefits to him, it is the Government that has benefited by a rapid recovery of arrears. Do not blame him, his ignorance or his perversity if his reliance in Government is shaken. He only watches from afar, and knows not that Government sincerely meant to ameliorate his lot. It shows once again

that you cannot do good to people by going against their grain. When you charge my colleagues and me with clamouring for measures to remedy the ryot's lot and yet resist the remedies that are offered, it is in this error that you fall. Clamour for remedies does not involve the acceptance of any remedies, however misconceived and however unsuitable. When we clamoured for remedies, we clamoured for such as suited the patient's constitution and were really potent to cure the disease from which it suffered. We did not bargain for prescriptions conceived in haste and applied in hurry, without thought of his debilitated condition both of body and mind. It is not true to say that we created the agitation and led it. On the contrary, we did not stir till the agitation grew and grew, and we convinced ourselves that it was voluntary and sincere, that it was not altogether ignorant and unfounded. Then, it is true, we did what little in us lay, to be their spokesmen and interpreters before Government. Then, it is true we strove to induce Government to be patient and forbearing. My amendment before the Council was expressly a plea for patience and conciliatory wisdom. Therefore it was that we laboured to gain time for wiser counsels to prevail on all sides. We have failed in the Council. But the melancholy spectacle that confronts us all over the land, will it not move you and stir you to help us still in the good work of bringing back peace and contentment over the land which we all love so well?

Yours, &c.,

PHEROZESHAH M. MEHTA.

16*th September.*

SPEECH ON THE BOMBAY CITY POLICE BILL.

[*On the motion for the second reading of the Bombay City Police Bill at a meeting of the Provincial Legislative Council held at Bombay on the 22nd March 1902, the Hon'ble Mr. Pherozeshah M. Mehta made the following speech.*]

Your Excellency,—I am sure the members of this Council will agree with me that the interest of the very able and excellent speech in which our honourable friend Sir Charles Ollivant introduced this Bill in the Council was very much heightened by the relation of several strange and startling facts in connection with the early history of the Police in this city. But I think that no fact so brought out was more significant and startling than this: that this city in the course of the enormous changes and developments through which it has passed during the last fifty years has managed to live upon the legislation of 1856 partly amended by the legislation of 1860. That Act of 1856 amended by the Acts of 1858 and 1860, both Acts of the Government of India, has been good enough for us for nearly forty years. Even successive Codes of Criminal Procedure, revised almost every ten years, were not allowed to lay their sacrilegious hands either upon the Police Commissioner or the Police of the City of Bombay; and there were distinct sections in these Codes which prohibited their application to the Police Commissioner or the Police of the City of Bombay. It must not be supposed that during all these years no necessity was felt for the improvement of our Police legislation. On the contrary, I believe, Sir Charles Ollivant, in his speech as well as in the Statement of Objects and Reasons, told us that Government have been at work almost ever since 1880 to revise the Police law of this city. The whole of the Government machinery, if I may say so, has been at work, according to him, very nearly for thirty years to find out a law more suitable and adapted to the existing circumstances and

needs of the city. The result is now before us; and I think it is no small compliment to the quickness and intelligence of the people of this city, that what took Government nearly forty years to prepare it is thought will be sufficiently considered by them in the course of a month or so. My Lord, I am not saying this by way of complaint, but I think the circumstances of this legislation point to the desirability of adopting a procedure and practice somewhat resembling the practice and procedure in these matters which are followed in the Viceroy's Council. The practice there is that after general discussion and even after reference to the Secretary of State for India, a Bill is introduced in the Council and the first reading is taken. The course then followed is that the Bill is referred to local Governments, officials aad public bodies for their opinions and no Select Committee is appointed until after the receipt of these official and non-official opinions. Then only is a Select Committee appointed and the Bill is proceeded with in the regular course. I may also mention that so far as the official opinions which are obtained after the first reading are concerned, they are not considered confidential, but are circulated to honourable members. I venture to make the suggestion to your Lordship that the time has now come when a practice of this character may be usefully introduced into this Council. But I have not referred to the shortness of time on this occasion by way of complaint. On the contrary, I do sincerely think that it is a matter for great congratulation both to this Council and the public that it has been found possible to expedite matters to a certain extent and to secure the services of our honourable colleague Sir Charles Ollivant, in steering this Bill through the Council. My Lord, this may be the last occasion on which we may have the pleasure of meeting the honourable member in this Council, and with your Lordship's permission I should like to say one word in appreciation of the great zeal, the great ability and the great experience

and intimate knowledge of men and matters that he has brought to bear on matters before this Council. Perhaps also you will let me add that nobody has won our hearts more than Sir Charles Ollivant by the tact, patience and liberality of sentiment he has uniformly displayed in regard to matters in this Council and everywhere else. I may be permitted to speak a word in reference to this matter because my connection with Sir Charles Ollivant is of very old date, and in regard to that connection I have always prided myself on having turned out to be a true prophet. When Sir Charles Ollivant was appointed Municipal Commissioner of Bombay, very few people knew much about him, as he had mostly served in the mofussil as Assistant Collector. But I knew him very well because I had met him in the districts, and I assured my friends in Bombay who were rather nervous at the youth of the gentleman selected for the post, that no Commissioner would prove so excellent, as from my knowledge of him in various other capacities I could say Sir Charles Ollivant would. My Lord, I am very glad to know that that prediction was amply fulfilled, and no Commissioner made a better Commissioner for the City of Bombay than Sir Charles Ollivant did. My Lord, so far as this Bill is concerned, I would like to add that it was a great pleasure to work with Sir Charles Ollivant on the Select Committee. One conspicuous feature in him is his intellectual fairness and we all know that not only is he quick to seize our suggestions and our points, but if we succeed in impressing him with their solidity and force, however inclined otherwise he may be constitutionally, his intellectual fairness will always come to our aid and will, not let him alone until he has met our suggestions in the fairest manner possible. It is after deliberations of that character that this Bill now emerges from the Select Committee, and I do think that though the time the Select Committee had to work upon it was short, the Bill emerges shorn of the objectionable features —and they were not many I admit—that characterized

it as it originally stood. A Bill of this sort is not a Bill in regard to which there is any general or common principle to be discussed; it is always a matter for the consideration or discussion of the larger details incorporated in the Bill. Of course the smaller details may be varied when the Bill will be considered in detail, but in the meantime all that we have to do is to consider how far the larger details are consistent with reason and principle.

As I have said, this Bill emerges from the Select Committee shorn of almost all its objectionable features. A great part of it is unnecessary to be referred to at all as simply reproducing legislative provisions already existing, and I will very rapidly ask members of the Council to look to the principal features. A Police Bill of this character may be described as three volumes bound in one. In the first place, it treats of the organization, constitution and discipline of the Police force. That is one volume. The second part consists of the application to the Police of those sections of the general Code of Criminal Procedure from which the Police Commissioner of the City and the Police were specially exempted from time to time. In this the city, so far as the Police is concerned, is brought largely into conformity with the law prevalent throughout the rest of India which is contained in the Code of Criminal Procedure. The third volume is what may be described as a local supplementary police code for the purpose of meeting local needs and requirements. This it is which constitutes the Police Bill now before the Council. As I have said, it will not be necessary to discuss at all the provisions drafted from the Code of Criminal Procedure; but it is necessary in a general review of what relates to the constitution and the organization and discipline of the Police force to see whether the provisions introduced for the purpose of preserving order in the city are provisions calculated to carry out the object in view. The first chapter is important in so far as it contains the section for definitions. So far

as these were concerned, objection was taken to the definition of 'street' and 'places of public amusement and entertainment.' So far as the definition of street is concerned, I am glad to say that it has been brought into harmony with the general definition which prevails everywhere, and the clause which was considered objectionable and which to a certain extent might have included private ground, has been deleted from the amended Bill. I know, as was pointed out in the report of the Select Committee, that the clause was borrowed from the District Municipal Act and was inserted after careful consideration. But there was a special reason why it should find a place in that Act and should not find a place in this Bill. The District Municipal Act had to deal with towns in which existed a large number of 'poles' which are streets with a large number of houses, but streets just leading to the houses and which are as if they were private property. In Bombay nothing of the sort exists, and there is no necessity for applying special legislation of this kind to Bombay, and I think the Select Committee has wisely dropped that part of the Bill. The definitions of places of public amusement and entertainment are important in so far as these definitions affect the power to license places. They become a matter of very great importance because if you give a large definition to these places you would require places that need not have such now, to have licenses. So far as the definition of place of public amusement is concerned, one objection that I took in Select Committee has been met by the insertion of the words 'otherwise than for a *bona fide* charitable purpose.' But as it stands, my Lord, it seems to me that the clause is likely to be too wide because it says a place of public amusement means a place 'to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted.' It is possible that places where incidentally fees are received and some music is played and singing is carried

on, may be brought into this definition and, as a consequence, would have to claim a license. It seems to me that the proper course would be to follow the English legislation on this point, and I therefore suggest that the clause be made definite by using words that would mean that the incidental use of a place for the purpose could not make it such a place of public amusement as to require a license. If the words were 'a place kept for music, singing', etc., it would mean a place the principal purpose of which is amusement. Then, my Lord, there is the question of the 'place of public entertainment' and very great objection has been raised to this clause in consequence of the existence in Bombay of a number of institutions which are by no means places for liquor, but to which people in various classes of life resort for the purpose of taking their meals. These are common institutions in Bombay, and if the people who resort to them are poor, they are very respectable, and it would be a great hardship if these places should have to take out licenses. I remember that there is a proviso by which such places open between the hours of 6 a. m. and 9 p. m. are exempt, but it seems to me very desirable to enlarge those hours for the purpose of excluding *bona fide* places of the sort I have mentioned for the purpose I have described.

The next chapter is also a very important chapter because it deals with the organisation and the discipline of the Police force, though it is a chapter on which I, for one, don't pose as an expert and I would not like to express my opinion with regard to the essential terms of which it ought to be formulated. But your Lordship will observe that there is a certain amount of dissatisfaction in the Police force itself in regard to the position in which the higher members of the force are placed; and most members of the Council have received the memorandum prepared by the Superintendents of Police in which they ask this Council to place them in the same position as Superintendents in Calcutta. I dare say we shall hear

something from Sir Charles Ollivant when he comes to that part of the Bill, and I don't think I will anticipate him in that respect. He has already met them half way by a clause which has been added providing that punishments on officers of the rank of Superintendent shall be subject to the confirmation of the Governor in Council. Your Lordship will also observe that this part of the Act gives power to the Commissioner of Police to 'punish by confinement in a police station, for a period not exceeding three days, any member of the Police force below the rank of Havaldar who is in his presence grossly insubordinate or insolent.' These are somewhat vague words. Ideas of insubordination and insolence are likely to be vague. My opinion on a matter of this sort is not of much value. This is a matter which must be left to people who are more conversant with the necessities of discipline. But still it may be necessary in reference to such a provision, which is of very great importance, that a watch should be kept on the Police Commissioner in dealing with the force under this very drastic section. I think he should be required to submit a quarterly report to Government of the cases dealt with by him under this section. I think Government ought to see what is the state of discipline and content or discontent that prevails in the force. If they find that punishments are very numerous or severe, they may very properly call upon the Police Commissioner to explain such a state of things. Therefore I suggest that a section of that sort should be added to this part of the Bill.

Then, my Lord, this part of the Bill, besides dealing with the regular Police, deals with the additional Police or what are called Special Police. Special Police we are conversant with under the old name of Special Constables. We know that at times of riot and disturbance of the public peace Special Constables are enrolled and required to serve on emergency. But this section uses very alarming words. It is a compulsory power. It is not as if a person can refuse to serve. I am afraid

that I must take the odium for making it perfectly clear that it is compulsory because I raised the question in Select Committee, and Sir Charles Ollivant with his usual quickness seized upon it and saw that it might be doubtful that it was compulsory and at once proceeded to make it so. But both in the English and in the other Indian law it is limited to very special purposes indeed, while here it is stated that the Commissioner of Police may appoint any able-bodied male person to assist the Police in any temporary emergency. Both in England and in the Indian Act this power of action is given when there is a riot or an unlawful assembly or a breach of the public peace, and even then only on sworn testimony that the Police force is not sufficient for the purpose of protecting person or property. It is in these circumstances alone that the compulsory power of appointing Special Constables is given, and I think it would be well to bring the provision in this Bill into conformity with the English law. The District Police Act of 1890 also follows the same lines, while it is a fact that the Government of India by the Police Act of 1861, amended as it was by the Act of 1895, also rested on these special cases as the occasions on which alone there might be compulsion and this interference with the private liberty of the subject. Then, my Lord, with regard to the discipline of the Police force, I think there should be a further modification of section 17 which requires thnt 'no Police officer shall, without the permission of the Commissioner of Police or of the Governor in Council, either as Principal or Agent, (*a*) engage in any trade; *b*) be in any way concerned in the purchase or sale of any immovable property within the City of Bombay or of any interest therein, etc.' I submit that this is one of those things that should be insisted on so far as the Police are concerned. The members of that force should not be allowed to engage in trade or to carry on these things in the city in which they work. I quite admit there may be occasions on

which it may be necessary to make exceptions, but I think the power of making those exceptions should be allotted only to the Governor in Council and that power should not be given even to the Commissioner of Police. I certainly think that the power of making such exceptions ought to be given only to the Governor in Council. I would like to draw the attention of the Council to the provisions of Section 19. I think it is right to point out that this Police Act follows on lines laid down by the District Police Act. The framers of that Act thought that as it was necessary to vest very large powers in the hands of the Police, there must be limitations upon their power; some checks and some safeguards put upon the exercise of these powers. It is with that view that sections of the character of Section 19 in this Bill have been introduced. Your Lordship sees that it is provided that any Police Officer who without lawful authority or reasonable cause enters or searches or causes to be entered or searched any building, vessel, tent, or place, shall for every such offence be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both. It seems to me the public should know that there exists a very wholesome provision of this sort in regard to their safety in view of the large powers which it is observed have been entrusted for the protection of the city to the Police.

Then, my Lord, we come to the next chapter which deals with the power given by Government to the Commissioner of Police for the purpose of making rules for the preservation of order, and to Inspectors of Police for passing special orders on special occasions as they may be required. This is a very important part of the Bill, and it has been subjected to very careful scrutiny and discussion, and I must say that in no part of the proceedings of the Select Committee was the attention given by Sir Charles Ollivant more useful than with regard to this part. Your Lordship will see that it has

been to a certain extent re-drafted and re-arranged and brought into harmony with every suggestion that has been made for the purpose of putting it into proper form. A most important amendment to Section 22 as it originally stood is the addition of the words providing that though the Commissioner of Police shall make rules for the regulation of traffic, etc., they must be 'with the previous sanction of Government.' Then, my Lord, it is in this part of the Bill we come to the licensing clauses. Your Lordship will see that on page 14, clause *(f)* gives power to the Commissioner of Police for licensing, controlling, or in order to prevent the obstruction, inconvenience, annoyance, risk, danger, or damage to the residents or passengers in the vicinity, prohibiting the keeping of places of public amusement or entertainment, and the playing of music in streets and public places. Now, my Lord, the objection that is raised to including too many places in the power of licensing practically consists in this: though it may be desirable in some instances to have control over these places—I put no blame on any one—it opens up a large area for partiality and bribery. For example, we know about Abkari licenses—I don't make a general imputation, but practical men know how a good deal of that sort of thing takes place in the disposal of Abkari licenses. Now, if a very large number of places have to be licensed, it places temptation in the way. Well, if I, by using a little partiality to one man can at the same time pocket five rupees by refusing a license to another man, it is not thought very immoral. The larger the number of institutions you bring under these licensing clauses, the more frequently must this practice prevail. This, my Lord, is the great objection I have to a general clause of this character. I know that my friend Mr. Dikshit has given notice of an amendment which would to a certain extent modify this clause by not giving a wholesale power for the refusal of licenses. But I shall ask the attention of the Council to clause *(e)* of that Section which

regulates music or singing in any street or public place. I think that this part is unnecessary, especially in consequence of a further clause in the same section—clause (*d*) sub-section (*e*), in which the Commissioner of Police may, if necessary, prohibit the public utterance of cries, the singing of songs, the playing of music, &c. My Lord, I can well imagine that some people would like to have some regulation of those terrible street cries which wake up the people at all sorts of unearthly hours and won't let them sleep in the morning. But it seems to me that regulating music in the streets and in public places is rather too comprehensive a power to give. Then, my Lord, in special reference to that, I would ask your Lordship's attention to clause (*f*). With the first portion of clause (*f*) I am almost prepared to sympathise, though my friend Mr. Dikshit is not prepared to go so far. Clause (*f*) says: 'prevent the continuance of music or other such sounds as aforesaid in any place on complaint being made in writing to the Commissioner of Police by any person that the same is a nuisance on account of the illness, or on account of the interruption of the ordinary occupation and pursuits of any person resident or lawfully engaged in the neighbourhood.' I am prepared to say that in a case of serious illness some interference of this sort may be necessary, but the wording of the clause goes further. It says: 'or on account of the interruption and pursuits of any person.' Now, my Lord, that may be all very well if we consider only the European portion of the town, but when you come to the native part, a clause like that could work the very greatest hardship. Festivals and ceremonials in the native town are numerous, and on those occasions music is an essential part of them, and if music is to be stopped because a neighbour went to the Commissioner of Police and complained that his ordinary occupation and pursuits were interrupted that would be a very extensive interference with the habits of the people. It would enable a neighbour having any quarrel with another neighbour to

go to the Commissioner of Police and ask him to stop his neighbour's music because it 'interrupted' his ordinary pursuits. My Lord, you will see that a reference is given to an English Act in this clause, 27 and 28 Victoria, Chapter 55. As far as the English Act is concerned, it has reference only to organ-grinders. There is power given to the Police to make organ-grinders pass on. But this is going a little too far. Now, most of us are called upon to endure these nuisances because in deference to the established customs of the people these things have to take place in native houses. Then, my Lord, there is one clause to which I should like to draw the attention of the Council. It is a very drastic clause because it gives power in sub-section 3 of section 23 to the Commissioner of Police to prohibit by order in writing any assembly or procession whenever and for so long as he considers such prohibition to be necessary for the preservation of the public peace or public safety. I think that such a power is necessary on occasions, but it is a power which must be very carefully used, and it must be given in such a way that it cannot be wielded to an unlimited extent. Such a power to a certain extent is necessary, but I venture to suggest that it should be limited so far as the Commissioner of Police is concerned to a very short period, something like, say, three days, and that the power of prohibition for a longer term be given only to the Governor in Council, who could then look into the whole question and say whether such a prohibition ought to be continued for a very long time. I have also a rather important objection to section 24. This is taken from the District Police Act, and it is not contained in any other legislation, and it gives power to the Commissioner of Police in the case of riot to temporarily close or take possession of any building or place and he may exclude all persons therefrom, or may allow access thereto to such persons only and on such terms as he shall deem expedient. The words in this section are very wide and may include the most innocent persons; and while I think it

is necessary in periods of riot to make some provision of this kind, I do not think power should be given to turn out every man, woman and child from a house the inmates of which are merely suspected, although the real meaning of the clause, as had been explained by the Commissioner of Police, was not to turn innocent people out of their houses, but to prevent the persons in the house from in any way extending the spread of the disturbance. It is very necessary in the interests of innocent people to limit the exercise of this power to those cases of the inmates of buildings who are reasonably supposed to be contributing to the spread of that disorder. Then, my Lord, there is a very important section that is taken from the District Municipal Act somewhat modified and which relates to the dispersal of gangs and immigrants. It is a section which I think must be carefully considered, though so far as I am concerned, I am prepared to say that a provision of this kind is necessary in a large city like Bombay. But what I wish to point out is that the penalties for its enforcement must not be of too severe a character. The section states that 'whenever it shall appear to the Commissioner of Police that the movements or encampments of any gang or body of persons are or is causing or calculated to cause danger or alarm or a reasonable suspicion that unlawful designs are entertained by such gang or body or by any member or members thereof, or that an outbreak of epidemic disease is likely to result from the continued residence in the city of large numbers of pauper immigrants, the Commissioner of Police may * * * direct the members of such gang or body of such immigrants so to conduct themselves as shall seem necessary in order to prevent violence and alarm or the outbreak or spread of such disease.' Your Lordship will see that, as far as this Section is concerned, power is given to deal only with pauper immigrants when an outbreak of epidemic disease is likely to result from their presence. Now, my Lord, I do not propose to detain the Council

with the greater portion of the succeeding chapter because that embodies, as I have said before, those sections of the general Code of Criminal Procedure from which up to now the Police have been exempted. But before passing entirely from that chapter I should like to draw the attention of the Council, and, through the Council, of the public, to certain clauses of section 32. It is right that the public should know that this Bill has been very carefully prepared as much in their interests as to give large powers to the Police. Clauses (*d*), (*f*), (*i*), (*j*), (*k*), (*l*), point out what are the duties of every police officer, and amongst those duties they are called upon to afford every assistance in their power to disabled or helpless persons in the streets. The Police officer is also called upon in dealing with women and children to act in strict regard to decency and with reasonable gentleness, and to use his best endeavours to prevent any loss or damage by fire and to avert any accident or danger to the public. I think, my Lord, that these are very wholesome provisions, specifying that the duties of the Police officer are not only of a punitive character, but are to help the public on every reasonable occasion. Then, my Lord, in the same connection I may point out that this Act, following the precedent to which I have already referred, has been very careful in pointing out that in regard to these orders the directions that must be obeyed must be reasonable. Sub-section (2) of section 32 orders that all persons shall be bound to conform to the *reasonable* directions of a police officer given in the fulfilment of any of his duties. The importance of that, Sir, is that if the directions are not of a reasonable character, a Magistrate may sit in judgment as to whether they were reasonable or they were not reasonable. Then, my Lord, I will not detain the Council at this stage of the progress of the Bill with any remarks on that well-known section, Section 45, relating to compensation for injury caused by an unlawful assembly. I think I can best say what I

have to say about that when I come to move an amendment in that respect. Then, my Lord, with regard to unclaimed property the provisions are all right except in one particular—the time that is given for claiming property is exceedingly short. Though, of course, two hundred rupees and under is a very small amount, it is a very great amount to certain classes of people, and I don't see why property should be at the disposal of Government if the owner fails to claim the property within six months. In these cases some little time elapses before persons know that the property is in the possession of the Police. The period of six months should be largely extended. Then, my Lord, we come to section 56, which was also somewhat improved by amendment in Select Committee. Your Lordship will remember that in the original Bill, section 56 vested the powers of a Magistrate in the Police Commissioner. The Select Committee properly discussed all arguments for and against these provisions and ultimately came to the decision that these powers should be of a limited character, and that the Police Commissioner should not be placed in the position of a Magistrate except under some specified circumstances, and so far it stands that he is given all the powers of a Presidency Magistrate under the sections which are mentioned and these relate to searches and other cognate matters. So that, you see, my Lord, the objection which was taken to invest the Commissioner with magisterial powers has been entirely met. Then, my Lord, I think I have no further remarks to offer in regard to the larger sections, except to express my gratitude to Sir Charles Ollivant for meeting me on what he considers a very small point, but what I consider a very big and a very important point, namely, in regard to section 137 in the original Bill which sought to exempt Police buildings from paying municipal rates and taxes. Your Lordship will remember that section 137 as it originally stood in the Bill said that nothwithstanding the provisions of section 144 of the City of Bombay

Municipal Act, 1888, no Municipal or other local rates other than water-tax or halalkhor-tax shall be payable by Government on account of the occupation or use of any house or place by members of the Police force for the convenient performance of their duties. I was very glad that Sir Charles Ollivant ultimately consented to give up this portion altogether. The reason given was that the amount involved was very small, but it was a matter of great importance to the Corporation on the ground of principle. I am very glad that in concluding my remarks on the Bill, I can sit down with grateful appreciation of the way in which the Select Committee have met the Corporation on this matter, and the Council will ap rove of the alteration on that point.

MEMORANDUM SUBMITTED TO THE UNIVERSITIES COMMISSION (1902).

I. TEACHING UNIVERSITY:—

The Bombay University is in a sense a teaching University. The University prescribes the courses of instruction, requires from students certain attendance at a College and the various colleges that instruct students in those courses have to be recognised by the University. It is not practicable to make the University any more a teaching body than it is. But you can have, if funds can be made available, University professors for a post-graduate course, the colleges teaching only up to the B. A. and the corresponding degrees in the other faculties.

II. SENATE:—

The Senate as at present constituted has on the whole worked very satisfactorily and no change is called for. It is vaguely said that the Senate is unwieldy, that it is incompetent, that it is obstructive, that it wants to lower the standard for degrees, that the European element is not sufficient, that it does not act upon proper advice, &c., but I have not yet seen any evidence adduced in support of these statements. The tables A to D * hereto annexed show that, (1) there is a large majority of qualified University men in the Senate, (2) that the college professors and others actually engaged in the work of education are fairly represented, (3) that Government are fairly represented, and (4) that the European community is strongly represented. Out of a total of 297 Fellows, 210 are holding University degrees, 46 though not holding degrees are recognised men of learning and only 38 are persons of no special educational qualifications, comprising among them persons who have founded various endowments in connection with the University and people of eminent position. There are 88 who are actually employed in or are connected with the work of education. Table B shows that the 210 University men are of really

* Omitted from this collection.

high academic attainments. There are 110 Europeans, 87 Hindus, 79 Parsis and 21 Mahomedans, and 117 Fellows are at present in Government service and 22 are retired Government servants. The Senate has always respected and acted on the opinion of professors except on two occasions when it may be said it went against such opinion :—(1) When the reforms suggested by the Examination Reform Committee, the principal among them being the enlargement of the Syndicate by making the Deans members thereof, came up for discussion ; and (2) when the late Mr. Justice Ranade proposed to divide every examination into groups and to allow the candidates to pass in all the groups at the same time or separately. On both these occasions I venture to think that the Senate was in the right and the professors who opposed the proposals were in the wrong. With regard to the first the change has been very beneficial and the professors have themselves come round to the same view. With regard to the second it is not quite accurate to say that the Senate acted wholly against the advice of the professors. For most of the Indian professors were in favour of the change, and also two European professors, the Rev. Mr. Scott, the present Principal of the Wilson College, and the late Dr. Peterson of the Elphinstone College, had signed the report of the Committee recommending the change. That proposal which was strongly advocated by the late Mr. Justice Ranade, whose intimate knowledge of the wants and requirements and difficulties of Indian students was unsurpassed, passed the Senate almost unanimously, only five Fellows I believe, voting against it; but Government declined to sanction it, on the advice, I suppose, of some of their educational officers. What took place on that occasion illustrates the fact that European professors, however sympathetic and actuated by the best of intentions, are not able fully to appreciate the requirements and difficulties of Indian students. There is no justification for supposing that the advice of European professors and members of the Senate

who are absolutely disinterested in the matter of University education inasmuch as they do not educate their sons at the Indian Universities is disregarded through sheer obstinacy by the Indian members of the Senate who are vitally concerned in the matter, for it is mostly at the Indian Universities that they educate their sons for whose real benefit such advice is given. Is it not more charitable and more in accordance with facts to say that the Indian members of the Senate who have themselves been the products of the Indian Universities and have an intimate knowledge of the capabilities, requirements and difficulties of the Indian students, are able sometimes to see objections to the acceptance of the advice of their European colleagues which they are unable fully to appreciate? On the merits of dividing examinations into groups I shall speak further later on.

The only change therefore that I would advocate would be to limit the number of Fellows to 200 exclusive of the *ex-officio* Fellows, as was proposed in the draft Act of Sir Raymond West, the reduction to be made in the following manner:—only two-thirds of the vacancies occurring in every year should be filled till the number is reduced to 200 and after the reduction is effected no more nominations should be made than there are vacancies. One-half of the nominations to be made as above should be made by Government and the other half by election by graduates of not less than five years' standing. An electoral-roll of graduates should be kept by the University and a fee should be charged to persons wishing to have their names put on the roll. The right of election given to the graduates since 1893 has to my mind been very wisely exercised. I would not make Fellowships terminable, but Fellows not attending any meeting of the Senate for a period of two years should by the fact of such absence lose their Fellowships. I would not increase the number of *ex-officio* Fellows. At present there are ten *ex-officio* Fellows, but out of them only three take interest in University affairs and they are all on the Syndicate,

The rest hardly attend any Senate meeting and take no active interest in the University.

III. SYNDICATE:—

I think the present number of the Bombay Syndicate (15 including the Vice-Chancellor) is a proper number and should be maintained. Government and the Colleges are fairly represented in the Syndicate. Out of the 15 present members eight are Government officers and the Colleges are properly represented. (See Table E.)* It has so far as I know never occurred, that any educational officer or professor who took an interest in the matter and desired to be in the Syndicate was kept out. I think, on the whole, the present system of electing the Syndicate has worked very satisfactorily and I would keep it as it is. At present provision is made in the Bye-laws about the constitution of the Syndicate and its powers and that system is elastic, and I would not substitute for it a provision in the Act. For instance we, in 1899, increased the strength of the Syndicate by adding the Deans thereto and gave the Syndicate power to appoint moderators, and we were able to effect the reform by an alteration in the Bye-laws with the approval of Government, without resorting to the cumbrous procedure of moving the Indian legislature to amend the Act, which would have become necessary if the provisions about the Syndicate had been a part of the Act. There need be no apprehension about the Senate light-heartedly meddling with the constitution and powers of the Syndicate, for Government have always the power of veto given to them. The present system has done very well and I would deprecate any change in it.

IV. FACULTIES AND BOARDS OF STUDIES:—

The Faculties as at present constituted have worked well and I would not disturb them. There are no Boards of Studies and the Syndicate from time to time consult Fellows competent to advise them on the matter. Boards of Studies elected by Faculties might, however, be usefully constituted.

* Omitted from this collection.

V. EXAMINATIONS:—

I am afraid too much importance is given to examinations as a test of knowledge and culture. At best an examination is a very insufficient and sometimes deceptive test and it is difficult sometimes to prevent papers being set by which, as Mr. Matthew Arnold says, 'the examiner is led to show his want of sense and the examinee his store of cram.' The Syndicate and the Senate have tried their best by elaborate rules and instructions, and great care in selecting examiners, to make the examinations as faultless as possible, but the mistake lies to my mind in looking at examinations from a wrong point of view. The real aim should be to secure the going through properly laid down courses of instruction for a number of years under the inspiration of the best instructors, and examinations should be subordinated to and used only as a means to secure such training. This can only be secured by insisting upon persons of the highest academic qualifications as professors, the University being given greater powers of supervision to see that the courses of instruction are properly gone through, and by reducing the present number of examinations and modifying the present system of determining the success or failure of candidates at examinations. The frequency of examinations interferes with freedom and variety of teaching, encourages cram, and puts unnecessary strain on students and gives them little time to digest what they learn and think. I think the University should hold only one good final or degree examination, or at the most two examinations (one intermediate and one degree examination) in the various faculties leaving any intermediate examinations that may be considered necessary to the various colleges. The London University, when it required attendance at a College for the Arts degree, had only one examination, the Final B. A. It was only when such attendance was abolished that it became necessary to seek other guarantees for continuous study and two examinations instead of one were insisted upon.

Calcutta and Madras have only two examinations in Arts. Then, the present system which requires a candidate to pass the whole of the examination at one time should be altered. Each examination should be divided into two or at the most three groups in some cases, and it should be at the option of the student to pass in all groups at the same time or at different times. Such a proposal was adopted by the Senate on the motion of the late Mr. Justice Ranade in 1898, but Government withheld their consent to the same. I think that proposal to be a very good one and one which considerably discourages cram. The present system under which a candidate failing in one subject but passing, sometimes creditably, in all the other subjects at the examination, is compelled to waste a year and again submit himself to examination in all the subjects, is undesirable and unmeaning. At Cambridge the Previous, the General Examination and the Final B.A. are each divided into two parts, and candidates for the pass degree are at liberty to pass the two parts at different times. In Madras the B.A. is similarly divided into three parts.

VI. AFFILIATION RULES:—

The recognition or affiliation of Colleges should be left entirely to the University. No authorisation on the part of Government as contemplated in Section 12 of the Act should be required. In fact in Bombay that provision had remained a dead letter ever since the establishment of the University till the year 1899, and none of the institutions that sent up candidates for degrees were ever authorised by Government. It is not pretended that any thing went wrong owing to the want of authorisation. It is instructive to see how, when in 1899, Government began exercising the power of authorisation, they used such power. The Government Law School at Bombay, the only institution recognised by the University for the purposes of the LL.B. degree, was for many years in a very unsatisfactory condition. Government themselves had acknowledged this and had from time to time promised

various reforms, but nothing was done, although latterly they were actually making a profit out of the institution. Under these circumstances, certain gentlemen organised a scheme with a competent staff of professors to start a private college of law teaching up to the LL.B. degree, and the whole control of the proposed institution was placed in the hands of a strong governing board with Mr. Justice Tyabji as President. Mr. Justice Chandavarkar was along with others a member of the board. The Senate on the recommendation of the Syndicate decided to recognise the College and applied to Government to authorise the same under Section 12. When that application reached Government, they appointed a Committee to enquire into the condition of their Law School and suggest improvements therein. The Committee in their report made proposals involving considerable expenditure, and as Government were not prepared to spend any moneys out of their revenues on the school, the only way of effecting the much needed reform was to increase the fees and secure all the students to the Government school in order to enable Government to meet from the fees the increased expenditure. They accordingly after several months' cogitation replied to the application of the University refusing mainly on the above ground, the authorisation applied for. Thus in spite of the policy laid down by the Government of India on the recommendation of the Education Commission of 1882 that private enterprise in higher education should be systematically encouraged and fostered, the Government of Bombay by the use of their power of authorisation under section 12 prevented the starting of this College in order to enable them to improve their own school without any expenditure, by securing the monopoly of giving legal instruction.

SPEECH ON THE BOMBAY BUDGET OF 1902-3.

[*The following speech was made by the Hon'ble Mr. Pherozeshah M. Mehta, C. I. E., at the meeting of the Bombay Legislative Council held at Poona on the 6th September 1902, for the discussion of the Provincial Budget.*]

May it please your Excellency,—I have not been able, my Lord, to reduce what I have to say to a written speech, but I will try to make up for that shortcoming by making my remarks as brief as possible. My Lord, I was rather taken aback by what fell from my honourable friend Mr. Monteath, with regard to one of the reasons assigned by him for calling this meeting rather late in the year. It seems to me he has put rather a very restricted interpretation upon the section of the Indian Councils Act, 1892, in that behalf. I understand him to say that the section does not authorise a meeting to be called for the discussion of the Budget, unless there is a Bill to be laid before the Council; I do not know what my honourable and learned friend the Advocate-General may have to say on the subject. It is true the words are: 'The Governor-General of India-in-Council may from time to time make rules authorising, at any meeting of the Governor-General's Council for making laws and regulations, the discussion of the Annual Financial Statement, &c.,' and the same thing applies to the local Councils. But if I am not mistaken, there has already been a precedent when the Council has been called merely for the purpose of answering questions and discussing the Budget. It is now to be laid down that a meeting can be called for the discussion of the Budget only when there is a Bill to be laid before the Council; because it may so happen that there may be no Bill in the course of the last half of the year to lay before the Council, and in that case it will follow that there will be no discussion of the Budget. Then, my Lord, I intended to make some remarks about what I may call

the vexed question of remissions; but the table which my honourable friend Mr. Monteath has laid before the Council, in reply to one of the questions which I have put, is of so liberal a character that I do not think it would serve any useful purpose to dilate any further upon the subject. I quite admit, looking at the figures in the last column, that the Bombay Government has dealt with the question of remissions in a very liberal manner indeed. It seems to me that the misunderstanding between the public and the Government in reference to this matter has arisen from the fact that the public are like those Scotchmen so admirably delineated by Charles Lamb, who were so matter-of-fact that they could never understand flowery language. The public took it that all that was said in the Viceroy's Council was to be taken as Lamb's Scotchmen always took everything, according to the letter. But I see from this table that members of the Viceroy's Council indulged in somewhat flowery language in dilating so much upon a 'clean slate,' etc.

My Lord, I do not think it is worth while, after an experience of eight years in discussing Provincial Budgets, to go at any length into the question of Provincial Budgets framed on what is called the system of Provincial contracts. We have it admitted at last that the system of Provincial contracts introduced by Lord Mayo, on which so much stress was laid in the early days, has absolutely broken down under the stress of plague and famine. It seems to me a misnomer to call it a Provincial contract system, and we have now come to the simple state of things in which the Government of India is really carrying on the financial administration of this Presidency, by advancing such funds as are necessary for carrying on that administration. I quite admit that this year the Government of India has come generously to the aid of the Provincial administration, but I feel that it is not possible for me to indulge in very high language about their generosity, because, after all, what is it? Suppose that system which is miscalled the

Provincial contract system did not exist, what would have been the duty of the Government of India? Why, even in times of plague and famine they would have been bound to carry on the administration of this Presidency, not simply in a hand to mouth style, but bearing in mind its future progress and development. And it is a matter of regret that in consequence of the afflictions that have visited the Presidency, the financial administration of the Province for the last five years has not been carried on in such a manner as to secure that progress and development, year after year, which it was entitled to expect from the Government of India.

My Lord, there are only two small matters in regard to the different heads of the Budget to which I will very briefly invite your Excellency's attention. In reference to the head 'Education,' there are two very small questions to which I would direct the attention of the honourable member in charge of the portfolio of Education. My honourable friend Mr. Dikshit has referred to the abolition of the Ahmednagar High School. In regard to our educational policy it seems to be a recognised thing that there should be lean years and fat years. There was a time when lean years were paramount—a time when Government professed to look to private enterprise for educational progress. Now those years have passed by and we have come to the fat years. In the lean years the Ahmednagar High School was abolished, and now that we have come to the fat years, is it too much to ask that Government should reverse the experiment previously begun? Lord Reay's Government succeeded in grafting this new policy only on Ahmednagar. The rest of the high schools in the Presidency are maintained at the cost of Government. It is not fair that Ahmednagar alone should continue to be unequally treated. Then there is another appeal which I would make with regard to another educational matter. Your Lordship knows that in regard to the contributions to aided colleges there is now a contribution of Rs.10,000

to all the aided colleges in this Presidency except one college. I think I may flatter myself by saying it was at my instance that the Government of Lord Harris made a grant for the first time of Rs. 3,000 to the Fergusson College. St. Xavier's up to last year received Rs. 8,000, and now it has been brought up to Rs. 10,000. It happens that the Fergusson College is the one aided College which I think deserves the utmost aid which the Government of this Presidency can extend. It is the one indigenous College—a College which is carried on by the self-sacrifice of the graduates turned out by the educational mill of Government. It is true the professors in the Fergusson College do not require to be paid so highly as the professors and teachers in other colleges, not because their qualifications are not of the same high standard as those of any other colleges, but because in their self-sacrifice they have bound themselves to accept as low salaries as possible. My Lord, I do not think the College should suffer from the self-sacrificing spirit of the men who carry it on, and I appeal to your Lordship's Government whether the time has not come when the aid extended to Fergusson College should not be of the same amount as that extended to other aided colleges in the Presidency.

There is one other Budget point to which I am bound to refer, but on which I am not going to speak at any great length, because the matter relates to the Corporation from which I come as the representative on this Council, and they will deal with it in such a way that a full representation may be laid before Government. But I do feel bound to say that we have been all astonished at the reply which has been sent to us in regard to our request for similar aid with regard to plague expenditure since 1899 as was, I think, justly extended by Government to the Corporation for the previous period up to March 1899. My Lord, the letter of Government, as letters of Government do when dealing with disagreeable demands, disposes of the matter in a very summary fashion, and in

the first paragraph of it we were told that no calculation of plague expenditure could be correct, unless it included the salaries of the gazetted officers who have been fully paid by Government. My Lord, the reason why the Corporation did not allude to that expenditure was that because early in the course of the spread of plague—I believe in 1897—the Government of India gave instructions that the salaries of all gazetted officers employed on plague duty should be debited directly to Government. Then, the other reasons assigned by Government are these: they say, having regard to the present state of the municipal finances, and the fact that the full legal limit of taxation in the city has not been reached, his Excellency the Governor in Council is not prepared at present to recommend to the Government of India that the rate-payers of Bombay should be further relieved at the expense of the general tax-payers. We in the Corporation are familiar with this argument, which, if I am not too irreverent in saying so, is very frequently trotted out by Government distinguishing between the rate-payers and the general tax-payers. The rate-payers in the city never want to get anything that would be unjust to the tax-payers of the rest of the Presidency. It must not be forgotten that a large number of them in the city bear general burdens as well as their own burdens as local rate-payers. All we ask is that matters in regard to which all the general tax-payers should contribute should not be laid simply and solely on the shoulders of the local rate-payers.

One of the strongest grounds on which the claim of the Corporation for a very liberal contribution from Government in regard to plague expenditure was made rested upon these circumstances. Government very early took over the administration of plague measures entirely into their own hands. The Corporation might have objected to it on good constitutional grounds; but feeling that it was an occasion of extraordinary urgency and emergency, they thought that the proper course

was not to go against the wishes of Government, but to co-operate with them, as far as possible, in the measures which Government had taken into their own hands to carry out in regard to plague relief; and your Lordship may not be aware that the Plague Committee appointed to carry out plague measures under the direct orders of Government itself, as has been pointed out over and over again, very nearly reached the dimensions of a scandal. All the money that the Committee spent came from the pockets of the Municipality—expenditure which we appointed a committee to go into, and in regard to which the Bombay Government itself declared that the accounts furnished were utterly inadequate to show them what was really expended. That was the way, my Lord, in which I venture to say that the money of the Municipality, if I may be allowed the expression, was wasted in carrying out the policy of Government in regard to plague relief. It was a Committee appointed by Government. It was a Committee which took its orders directly from Government that wasted this enormous amount of money, and one of the strongest grounds we have to plead is that the expenditure with regard to plague in Bombay City is not of a local, not even of a purely provincial character; it is of an imperial character. The measures which are taken are not confined to local interests, but are of an imperial character, and being taken at the 'gate of India' affect the interests of the whole country. That is one of the strongest reasons why we are entitled to liberal treatment from Government in regard to plague expenditure. When it is said that the full legal liability of taxation in the city has not been reached, as I said before, I do not like to be irreverent in regard to so august a body as the Government of India; but I fail to see the logic of that argument. It seems to me it hardly depends upon whether the legal limit has been reached or not, but whether it is just that a large public expenditure of this kind should be entirely borne by the Municipality or not.

I have only referred briefly to the matter at present, leaving it to the Corporation to set forth the full grounds on which they ask that Government should contribute in the same way as they did before March 1899. My Lord, while I am upon the subject of the Municipal Corporation, I should like to make one brief remark in regard to the subject of medical relief. At the time of the adjustment of the charges and liabilities of the Corporation and of Government, the liability for medical relief was left in the hands of Government. I do not say, my Lord, that medical relief is a legal duty or liability of the Government. No charge is a legal liability on Government. It entirely depends upon their discretion how to carry on the financial administration of the province. But it was a head which was left in the hands of Government in the adjustment of the respective liabilities between Government and the Corporation. As to that, my Lord, the time has now come when it seems that Government should seriously consider whether they should not spend a much larger amount of money than they do upon the Goculdas Tejpal Hospital and the Sir Jamsetjee Jeejeebhoy Hospital—whether they should not spend a very much larger amount of money on medical relief in the city of Bombay. As I have said, it is a function that has remained with Government and I hope your Lordship's Government will give careful attention to the question —whether it is not right and proper that the Government of Bombay should extend the medical relief in Bombay much more than they have done up to the present moment. My Lord, the sanitary interests of Bombay to a very large extent affect the sanitary condition of the whole Presidency, because Bombay is a place where people from all parts of the Presidency and country congregate not only in ordinary times, but in times of plague and famine, and it is for Government to consider whether the city should not be placed in such a condition of extended medical relief that the

necessities of the occasion may be properly met. My Lord, I used to have one head of charge upon which I always had something to say, *viz.*, the subject of Police re-organization. My Lord, there is nothing to be said on that now, because a Commission has been appointed. If I may be permitted to say one word in regard to the constitution of that Commission, I should take the liberty to point out that it would have been most desirable if more non-officials had been placed on the Commission than is the case. My Lord, I see in to-day's telegrams in the *Advocate of India* that the Viceroy in opening the Council has announced that the whole charges in regard to the Indian representatives and guests in England including the reception at the India Office, will be borne by the Imperial Government. I think that is a piece of news which will be received with a great amount of gratification all over the country, and I refer to it in order to ask your Lordship's attention to a somewhat delicate matter. It might be thought that it would be improper for me to do so, being a person interested, but I am not afraid of having my motives mistaken or misunderstood, and I bring the matter before the Council to give the Government an opportunity of making some explanation or giving some assurance in regard to a question which is greatly occupying the public mind, namely, the expenditure of the guests at the Delhi Durbar. It is a delicate matter to be mentioned by a person supposed to be himself interested, but I don't care whether I incur a few rupees or not in going to the Delhi Durbar; but I lay it before your Lordship to enable your Excellency, should you think fit, to give an explanation or some assurance on the subject. I don't think I can detain the Council with any more useful remarks, and I hope I have carried out my promise of brevity which I made in the beginning.

THE AHMEDABAD INDUSTRIAL EXHIBITION.

[*The Hon'ble Mr. Pherozeshah M. Mehta, C.I.E., Chairman of the Working Committee of the Industrial Exhibition, held at Ahmedabad in December 1902, opened the proceedings with the following speech.*]

Ladies and gentlemen,—It is a piece of singular good fortune that we have succeeded in obtaining the consent of his Highness the Maharajah Gaekwar to preside on this interesting and important occasion. I will tell you later on—only a little later on, for I am not going to detain you long—why it is in the peculiar fitness of things that his Highness should preside on this occasion. I will only say that we are fortunate in having for our President, on this occasion, a prince whom we have learnt to regard with esteem, affection—(loud cries of hear, hear) —and admiration (hear, hear) not only in this Presidency of Bombay but, I can venture to say, throughout the whole of India (cheers). Ladies and gentlemen, this universal regard for his Highness is founded upon this circumstance, that he is in the foremost ranks of those Indian Princes who have gravely realized that their high position is a trust reposed in them for the advancement of the welfare and prosperity of their subjects (hear, hear). We are proud of him for the high ideal which he has placed before all Indian rulers, and we are prouder of him because he has brought to bear upon his reducing that ideal into practice the high talents and accomplishments with which his Highness is so liberally endowed. Ladies and gentlemen, I am sorry that at this particular moment my honourable friend Mr. Lely (cheers) is not present. He is a gentleman, as you all know, whom we have appreciated highly for the noble work which he did in connection with the disastrous times that recently swept over this province. If he had been here, he would have heard how grateful we were to him for the help, support and encouragement which he has given to this enterprise upon which we have entered for the industrial

progress of this country (cheers). Gentlemen, we would have told him how grateful we are to him for the attitude described by himself in his admirable letter to the *Times of India* of 23rd September last, when he said that he trusted 'the forthcoming Industrial Exhibition at Ahmedabad will be a singular instance of what all classes and parties can do when they unite for the good of this country' (cheers). Gentlemen, never were words more truly spoken; for, so far as the future of this country is concerned, we can hope for nothing unless, and we can hope for everything if, all classes and parties unite in common co-operation for the good of the country (hear, hear). If Mr. Lely had been here I would have told him that with regard to this encouragement and support we are grateful to him not simply for—to borrow his own words —'official good-will' (hear, hear)—official good-will is an excellent thing, ladies and gentlemen, but it is a somewhat cold commodity (laughter). I am glad to be able to say that Mr. Lely has not been content with showing us simply 'official good-will,' but he has given us his active assistance, support and encouragement (hear, hear). But, ladies and gentlemen, we must not forget that grateful as we are to Mr. Lely for his active support and encouragement, he could have effectively done so only with the sympathy and support of the head of this Presidency, Lord Northcote (hear, hear). Gentlemen, you have had recently an opportunity of appreciating the liberal and sympathetic statesmanship which inspired the speeches which his Lordship made in his recent tour through Gujarat. We have recognized that his hand is as free as his heart is large (loud cheers). It is a matter of no small gratification and satisfaction to us that the head of the Government has actively supported us not only by his official good-will but by active encouragement. Ladies and gentlemen, I will not detain you any longer except that I wish to place before you in just a few words what is the attitude of the official classes, the educated classes, and the Government in respect of

industrial progress, industrial training and industrial education. (At this stage Mr. Lely arrived in the hall and was received with enthusiastic cheers.) Ladies and gentlemen, I have already told you about the noble work which Mr. Lely has done during the disastrous times through which this province has passed (cheers). You cheered loudly the mention of his name when I pointed out to you how he gave us not only his official good-will but his active support, encouragement and assistance in the work which we have undertaken in connection with this Exhibition (cheers). Now, ladies and gentlemen, I have to add a few more words with regard to the attitude of the educated classes and the Government with respect to this important subject of industrial progress and industrial education. Gentlemen, as one of the educated classes I am ready to confess that they have many sins to answer for (laughter). There are many shortcomings and many drawbacks in them, and Mr. Lely added only one more to those drawbacks (laughter) when he said that we had failed in doing our duty by village banks. However sinful we may be in this respect, I venture to say, ladies and gentlemen, that with regard to industrial education, industrial progress and technical education, the educated classes are not so much to be blamed as some men believe them to be. It is not recently, but it was years ago, that they realized the high value of industrial progress with regard to the prosperity of this country. I will say frankly, ladies and gentlemen, that I do not believe that industrial progress will be a panacea, as is sometimes proclaimed, for all the evils to which this country is subject, nor will I profess to say that industrial progress will be a solution of that big question of agricultural indebtedness with which we are face to face in this country, but I do venture to say that the progress of arts and industries in this country will go far, will go considerably, towards ameliorating the condition of the people. This was fully recognized by the educated classes years and years back.

If I may not seem egotistical, I should like to state here one little episode on this question. In the seventies, in conjuction with some of my friends like the late lamented Mr. Justice Kashinath Trimbak Telang (loud cheers), I and others, who were keen in our new-born euthusiasm to promote the industries and arts of India, started a soap factory. We scrupulously attended every meeting of the Board of Directors, for we were on the Board of Directors, to see that the concern was successful. Well, ladies and gentlemen, it is only as a case of 'self-sacrifice' that I mention it before Mr. Lely, that we lost every pie of our money (laughter). I have told you this, ladies and gentlemen, only for the purpose of showing that we have not been blind to the advantages of technical progress and industrial progress in this country (hear, hear). Later on,—I suppose, even here at Ahmedabad, they must have heard the echoes of the celebrations with which we received Lord Ripon (loud cheers) on his departure from India (cheers)—these educated classes convened a public meeting in his honour in the Town Hall and passed a Resolution that subscriptions should be raised in his honour and devoted to the establishment of a Technical Institute (hear, hear). Gentlemen, that Resolution was passed as far back as 29th November 1884, and ran as follows :—

That as an humble acknowledgment of his eminent services, his Excellency be requested to allow his name to be connected with a permanent institution in the shape of an Industrial School to be founded in Bombay, and with such other memorial as may hereafter be determined.

From this you will see, ladies and gentlemen, that we gave precedence to technical education above all things. Immediately after this event we had the benefit of having over the head of the administration of this Presidency a statesman like Lord Reay (cheers). You all know the keen interest which he took in the subject of technical education, but, gentlemen, let me tell you that it was the educated classes who first approached him upon the subject and roused his interest and activity in it (hear, hear). It was in consequence of the move which the

Committee of the Ripon Fund made in approaching his Excellency to ask for a site and an amount equal to the amount of subscriptions that Lord Reay called together in the Secretariat a number of people to advise him on the subject. It was an important meeting as it laid the foundation of the establishment of what is now known as the Victoria Technical Institute in Bombay (hear, hear). Gentlemen, I told you that I would a little later on tell you why it is in the peculiar fitness of things that his Highness should preside on this occasion. If I may respectfully venture to say so, I claim his Highness, albeit a Prince, as one of the educated classes of this country (hear, hear). It is in this capacity that I venture to ask your plaudits for what his Highness has done in the cause of technical and industrial education (hear, hear). Gentlemen, you remember that he got one of his officials, my friend Professor Gajjar, to draw up a scheme, and that in pursuance of a part of that scheme his Highness had founded one of the best polytechnic institutes in India—the Kala-Bhavan at Baroda (hear, hear). Gentlemen, we have not been idle since then. But it is a matter of congratulation that now the official classes insist upon educated classes realizing the value and importance of industrial progress for this country (cheers). Ladies and gentlemen, there are uncharitable people who say that this cry for industrial education has been taken up simply for the purpose of shifting aside the cry for political agitation. But these uncharitable people also used to say that the cry for social reform was taken up for the purpose of shifting aside political agitation. In public life it is wise not to go too deep into motives, but mainly to recognise and accept facts. If these cries were intended to divert activity from political agitation, the result anyhow is beneficial. It is a matter of congratulation that the official classes—and among them I may again venture to point out that Mr. Lely is one of the foremost (cheers)—should devote a great deal of attention to encouraging industrial progress. I beg again to quote from

Mr. Lely's admirable letter to the *Times of India* of 23rd September last the following:—

The Committee take a broad view of their position, and I trust the forthcoming Industrial Exhibition at Ahmedabad will be a signal instance of what all classes and parties can do when they unite for the good of their country.

Ladies and gentlemen, it is a good augury that the official classes are trying to promote industrial progress and industrial education in this country. But you will permit me frankly to say that little will be achieved from any efforts in this direction unless the fiscal and the economic policies of Government are altered (hear, hear). Ladies and gentlemen, our present Secretary of State for India has referred to this subject in his last Budget speech in these terms:—

But fair and majestic as the edifice of our rule in India appears, we must never forget that, from the nature of its structure and the composition of its materials, there must be always in it risks and difficulties and possibly dangers and menaces from outside. (Hear, hear.) I have spent the greater part of my official life in connexion with the India Office, and it is many years ago since I went there in a subordinate capacity. The result of my experience is that I believe that henceforth the most serious of the difficulties that will cross the path of the Indian Government will not be those which are inherent, not those which are connected with the system of Government, but those which we have by our own action created. We have been too prone in the past to assume that any idea which dominates our fiscal or industrial system and which produces good results here, is a Heaven-born inspiration which, if transplanted anywhere, no matter under what conditions, would produce the same fruits as in these islands. The Government have had more than once to retrace their steps and, by legislation or otherwise, check or countercheck their consequences, which the light of after-information had shown ought not to have been adopted. Therefore I would say to all who take an interest in India, whose numbers I believe are steadily increasing in this House—(hear, hear)—let us ever keep this experience before us and remember that it is incumbent upon us to see that our administration in India is based upon progress, reforms, and improvement, and that it is necessary for us to be fully cognisant of the traditions, instinct, and usages of those for whom these reforms and these improvements are intended.

Gentlemen, if the industrial progress is to do substantial benefit to this country, I say that the old policy will have to be reversed. I do not know if you all are aware of the old policy of the East India Company in regard to the arts and industries of this country. I will read to

you a quotation from the big authority of Mill and Wilson's *History of British India.* It is as follows:—

It was stated in evidence (1813) that the cotton and silk goods of India up to the period could be sold for a profit in the British market at a price from 50 to 60 per cent. lower than those fabricated in England. It consequently became necessary to protect the latter by duties of 70 and 80 per cent. on their value or by positive prohibition. Had this not been the case, had not such prohibitory duties existed, the mills of Paisley and Manchester would have been stopped in their outset and could scarcely have been again set in motion, even by the power of steam. They were created by the sacrifice of the Indian manufacture; had India been independent, she would have retaliated; would have imposed preventive duties upon British goods, and would thus have preserved her own productive industry from annihilation. This act of self-defence was not permitted her; she was at the mercy of the stranger. British goods were forced upon her without paying any duty, and the foreign manufacturer employed the arm of political injustice to keep down and ultimately strangle a competitor with whom he could not have contended on equal terms.

Ladies and gentlemen, it was this policy which contributed to annihilate the old arts and industries of India. But let the past be past. I referred to this for this reason: that for the revival of our industries we have a special claim upon the British Government for encouragement, which alone can revive the industries which have been annihilated (cheers) by their past action. I say that protection for nascent industries is not inconsistent with the views of a confirmed free-trader that I am; protection is not inconsistent with regard to the encouragement of nascent industries of this country, nor is it inconsistent with the true principles of free-trade. Protection we can ask upon this ground for the development of our nascent industries, (hear, hear,) namely, that this country has higher claims for protection from the British Government as those claims are founded upon their past policy which has annihilated our once flourishing arts and industries. Ladies and gentlemen, I think I have been standing too long between your President and yourselves. I will therefore ask your Highness, in sincere gratitude for having consented to do so, to take the Presidential chair on this occasion (cheers).

SPEECH ON THE UNIVERSITIES COMMISSION REPORT.

[*In moving the adoption of the Report of the Committee appointed by the Senate of the Bombay University to consider and report on the letters from the Government of Bombay communicating the observations of the Governor-General in Council on certain points dealt with in the Report of the Indian Universities Commission, the Hon'ble Mr. Pherozeshah M. Mehta, C.I.E., made the following speech at the Senate meeting of 14th February 1903.*]

Mr. Vice-Chancellor and Gentlemen of the Senate,—I have been a Fellow of the University for over thirty-five years, being one of the young men, fresh from College, whom Sir Alexander Grant—Principal of the Elphinstone College, Director of Public Instruction, and Vice-Chancellor of the University—thought might be usefully associated in participating in the work of the University which had manufactured them. During this long period I do not remember a more momentous matter brought for the consideration of the Senate than the one which had been referred to us for our opinion by the Local and Imperial Governments. Of all the measures inaugurated by the great statesmen responsible for the consolidation of British rule in India, none has been so fruitful of blessing both to England and this country as the gift of education—blessing them that gave and them that took. It has conduced in innumerable ways, direct and indirect, to the welfare, progress, and development of the country, and at the same time it has contributed in no small measure to strengthen the foundations of the Empire, giving them both stability and permanence. These beneficial results were achieved by the operation of the policy and principles laid down in the famous Educational Dispatch of 1854, our Educational *Magna Charta*, leading (among other things) in 1857 to the establishment of the three Universities of Bengal, Madras, and Bombay. In the

letter of the Government of India of 24th October 1902, now before us, the Governor-General in Council has 'considered it desirable to disclaim emphatically any intention of receding from the policy set forth in this Dispatch that it is important to encourage private enterprise in the matter of education,' and to declare that 'their adherence to it remains unshaken.' I respectfully wish that the Government of India had equally emphasised another principle laid down in the Dispatch, of equal, if not greater importance.

PROMOTION OF GENERAL EDUCATION.

In endeavouring to determine 'the mode in which the assistance of Government should be afforded to the more extended and systematic promotion of general education in India,' the Dispatch, noting with satisfaction the attainments of some of the natives of India in English literature and European science, proceeds to observe :—'But this success has been confined to but a small number of persons, and we are desirous of extending far more widely the means of acquiring general European knowledge "of a less high order," but of such a character as may be practically useful to the people of India in their different spheres of life, and "to extend the means of imparting this knowledge" must be the object of any general system of education.' I venture to think that in no portion of the Dispatch are the sagacity and the statesmanship of its authors more conspicuous than in this. They laid down no misleading 'efficiency' test to narrow and restrict the wide spread of education—to erect a solitary minaret rising in a vast desert—but they deliberately preferred a wide expanse of general knowledge even though not of the highest order. They clearly understood that in the circumstances of a country like India, it was necessary to expand the popular basis of higher education as fraught with better promise to the welfare and progress of the country. When the Universities Commission moralise in the concluding paragraphs of their report that 'effi-

ciency must be the first and paramount consideration' and that 'it is better for India that a comparatively small number of young men should receive a sound liberal education than that a large number should be passed through an inadequate course of instruction leading to a depreciated degree,' they approach the problem, not from a statesman's point of view but from that of a pedagogue. Proverbs and maxims are now recognised to be more misleading than true, and the worst of its kind is the proverb that 'little knowledge is a dangerous thing.' All knowledge is little when you compare it with higher, but better than no knowledge at all. The logical consequence of the proverb would be to discredit primary education altogether, and to abolish all secondary schools unless they led perforce to colleges. The wisdom of the authors of the Dispatch of 1854, recognising the utility of expanding the popular basis of higher education, has been amply justified by the results. It is now admitted by all dispassionate observers that the work of the Universities established in pursuance of it has tended more and more to raise and purify public life and public administration throughout the country by turning out a large body of doctors, engineers, lawyers, judges and magistrates.

SPLENDID OUTBURSTS OF LOYALTY.

It was the fashion at one time to say—and perhaps the fashion is lingering still—that this education was creating seditious discontent. It is now emphatically proved that such an accusation was the outcome only of passion and prejudice. I shall never be tired of pointing out that the splendid outbursts of loyalty, sincere and spontaneous, that signalised recent occasions, the death of the revered Queen-Empress and the accession of his present Majesty,—that still follows, with enthusiastic affection, the tour of T. R. H. the Duke and Duchess of Connaught, are the direct outcome of the spread of higher education on a popular basis, filtering its influence from strata to strata of Indian society. As I have had occa-

sion to say elsewhere, it is true the soldier is abroad, preserving peace and tranquillity throughout the realm, but it is equally true that his task has become easy because the humble schoolmaster has also been abroad, transferring the feeling of gratitude for the maintenance and preservation of peace into a sentiment of earnest, devoted and enlightened loyalty such as has amazed and astonished the advocates of the sedition theory. A policy and system which has worked so beneficially in all directions, is one which ought not to be disturbed without a careful, cautious and thorough examination. I wish to speak with all respect of the able and accomplished men who composed the Indian Universities Commission, but I am not aware that they are men who possessed any special or commanding qualifications for the task entrusted to them. Unfortunately they have not considered it necessary to base or fortify their conclusions upon the evidence which they collected in a hurry as they rushed from place to place. They have chosen to exercise, as they put it, 'an independent judgment on the mass of material at (their) our disposal, and to select for examination those proposals which appear to be of an immediately practical nature.' The great importance of the subject, I venture to think, demanded a different treatment, and it can be no matter for complaint if the recommendations of the Commission have no more weight attached to them than those of any other seven men throughout the Kingdom of equivalent qualifications, of whom there are hundreds, on subjects on which the most eminent men of English and Continental Universities are not yet agreed.

RECOMMENDATIONS OF THE COMMISSION.

I do not propose to go into a detailed discussion of the recommendations of the Commission which, as the Government of India say in their letter, outline a comprehensive scheme of administrative and legislative reform. I confess that the way in which they arrive at their recommendations about what may be described as the

constitutional portion of them, is most disappointing. They admit that they 'are not disposed to confirm the sweeping condemnation which has sometimes been passed upon our University system,' but they proceed to add that 'while we consider many of the criticisms passed on the Indian Universities are not deserved, we have come to the conclusion that in many directions there is scope for improvement.' Nobody will deny that there are many errors and shortcomings in our educational system. But the Commission do not care to show, except in the briefest and most superficial manner, how the most serious of these faults will be remedied by their proposals. They lay them down *ex cathedra*, but they have neither shown that these faults have proceeded from any defect in the present constitution of the University, nor that the changes they propose are likely to set them right. The burden of proof rests on those who impeach the working and utility of the present system, and it is not enough to say that some other theoretic arrangements will work better. I have always been told that the genius of the English people has always abhorred the academic manufacture of constitutions and systems in the manner of the Abbe Sieyes, and that the secret of their success in peaceful progress has lain in dealing only with the offending or corrupted parts. Now it is curious that in the lengthened discussions which took place a few years ago in the Senate and its Select Committees led by many of the most cultured and accomplished men who have illustrated this University by their labours—and I may mention that you, Mr. Vice-Chancellor, were not the least prominent amongst them, and that you acted as Secretary of the Select Committee on the subject—there was substantial and almost overwhelming agreement that the present Bombay University system had worked admirably; that the maximum number of Fellows should be 200, exclusive of *ex-officio* Fellows; that the Syndicate should have no statutory recognition except as at present through the bye-laws;

that the Senate should have full control and power; that the Syndicate should be its executive committee of management, and that any changes in its constitution should be left to be worked out by the Senate through the power of framing bye-laws.

THE NOMINATION OF FELLOWS.

The only reform that was strongly advocated was a generous introduction of the elective principle in the nomination of Fellows. Nothing has been brought out by the Commission which can induce us to alter the conclusions at which we—and I include you, Mr. Vice-Chancellor, in the number—then arrived. To my mind, there is no occasion to tinker our present constitution. The fact is that the Commission has missed to give adequate and emphatic prominence to the great remedy for all the defects and shortcomings of our educational system for higher education. It was pointed out years ago by Sir Alexander Grant and Sir Raymond West and by many of us in later times. No Commission was required to tell Government that before any other reform was taken in hand it was most essential to put the Government High Schools and Colleges intended to serve as models of such institutions, in a fit condition to do their full work. As Sir Raymond West more than once pointed out, our present schools and colleges are grossly insufficiently equipped and grossly insufficiently provided with necessary appliances and materials. I appreciate as well as any other person the importance of elevating educational ideals, but this object can be secured, without impairing the popular basis, by providing well-equipped and well-supplied models. Whatever there is of unsatisfactory in the turn-out of our University system is mainly due to the default of Government in this respect. So far back as the sixties, Sir Alexander Grant put his finger on this weak point. 'Were but two per cent. of the Presidential revenues allowed to Bombay, the whole aspect of the Department and the Universities might, in my opinion,' he pathetically

pleaded, 'be speedily changed for the better.' I will venture to say that if Government would be pleased to spend the needful moneys on fully and properly equipping our high schools and colleges, we may safely leave, as they are, our Senates though said to be unwieldy, and our Syndicates though not statutory. In the evidence I gave before the Commission I took the liberty of pointing out, with the aid of tables of Fellows prepared by my friend Mr. Setalvad, that there was more talk than substance in the complaint about the unwieldy and non-expert character of our Senate. I confess I saw with surprise that our Vice-Chancellor had joined in the insinuations contained in the 42nd para. of the Commission's Report, where they say that their reformed Senate will be, in the main, a body of experts, and it will be protected against the incursion of voters who are brought together in large numbers only by the prospect of an election or 'by a debate on some question which has been agitated out of doors.' On behalf of this Senate I repel the observation as inaccurte, as illiberal, and as intolerant, leaving alone the charitable side of the question.

A MATTER OF INTENSE WONDER.

With regard to the administrative reforms recommended by the Commission, it has never ceased to me to be a matter of intense wonder that the seven accomplished gentlemen composing the Commission should have seriously set to work to recommend for all time courses of study for the Arts and Science degrees. These are matters in regard to which infinite diversity of opinion prevails among the most eminent men of Europe and America, and I do not think that any seven men among the most distinguished in India could be allowed to dogmatise on what the courses of teaching should be in all the Indian Universities. I should have judged that the work could only be properly left to the constituted bodies in each University to arrange from time to time in the light of increasing experience and in consonance

with local circumstances, conditions and requirements. I think it would be a calamity to lay down one pattern for the whole country. I wonder what would be said if the Universities of England and Scotland and Ireland,—Oxford and Cambridge, Edinburgh and Glasgow and Dublin—were invited to conform to a pattern of courses of teaching and studies arranged by a roving Commission even of the best seven men of the three kingdoms. So far from conforming to one pattern, it is of great advantage in this country that we have local Universities in the different Presidencies who can carry out their own valuable experiments in the light of local experiences. (Applause.)

SPEECH ON THE BOMBAY BUDGET OF 1903-4.

(The Hon'ble Mr. Pherozeshah M. Mehta, C.I.E., made the following speech on the Bombay Budget of 1903-4 at the meeting of the Provincial Legislative Council held on the 21st August 1903.)

My Lord,—I am not so fortunate as my honourable friend Mr. Moses in seeing any occult connection between the knighthood of our financial member and the good crops with which this Presidency is blessed this year; but I am sure we are all delighted, in criticising the Financial Statement he has laid before us, to address him as the Honourable Sir James Monteath. My Lord, I must confess that on reading the first sentence of the second paragraph of the Financial Statement, I seriously thought of giving up reading the rest of it. It seems to me that in that first sentence lies the wail of the Bombay Presidency so far as regards its financial treatment by the Government of India. The sentence is: 'The year 1901-1902 would ordinarily have been the last year of the sixth Provincial settlement, but the term has been extended to 31st March 1905.' Now, honourable members will remember that the settlement which is spoken of here as in the natural course expiring in 1901-1902 was commenced in 1897-98, and the meaning of this sentence is that since 1897-98 this Presidency has never had the benefit of Lord Mayo's scheme of decentralization, and the application of the words 'Provincial Contracts' to this Presidency has been absolutely a myth. We have been living financially as a department of the Government of India. They have carried on the administration; of course they have been spoken of as having given us some very large grants, but the financial administration of this Presideney has been entirely, in detail, in the hands of the Government of India. Now, my Lord, that means that all the legitimate development to which this Presidency was entitled in the course of several years has stopped. The effects of that

stagnation are found under almost every head of expenditure. My honourable friend Mr. Setalvad has pointed out how our colleges have remained unequipped; and how, as I pointed out several years ago, Gujarat has remained without that model college to which it has been entitled. The City of Bombay and the whole Presidency have the Elphinstone College. The Deccan College provides for the Deccan. But so far as Gujarat and Sind are concerned they have two miserable institutions barely supported by Government, and not sufficiently supported by the people. I have always pointed out that so far as Gujarat and Sind are concerned they have a distinct claim upon Government to provide them with the same collegiate institutions as are provided for other parts of the Presidency.

Then look at our judicial administration. It has been long thought by those who have given any thought to this subject that the judicial administration requires strengthening, but it was useless discussing this on previous budgets because the reply was '*no funds.*' It is the same with medical relief, the same with hospitals. I must confess that I was very sorry to read the resolution of Government on the report of the Sanitary Commissioner, in which they said that Government were helpless to do anything more than they had been doing in the directions suggested by the Sanitary Commissioner. All these things have been starved because this Presidency has had no opportunity for that elastic development which Lord Mayo intended by founding and starting the scheme of decentralization. I see that my honourable friend Sir James Monteath has avoided, and I think he has avoided on previous occasions, the use of that misleading word, that misnomer, Provincial Contracts. He calls them, very properly, only Provincial Settlements. I submit, my Lord, that the Bombay Presidency has a right to be treated differently from the manner in which it has been treated, especially in view of the trying circumstances in which it has been

placed. I think the treatment it fairly demands is the treatment which was accorded to this Presidency after the famine of 1887, when the Provincial Contract which began the next year was most liberally organized. In past years the Bombay Government not very wisely built up reserves which were swept into the coffers of the Government of India. That has been one fault of the Government of Bombay with reference to its financial administration. On former occasions the contracts were liberal, but instead of using them all they built up reserves and the result was that the reserves were swept off by the Government of India. I hope that when the next contract is made, the Presidency of Bombay will be treated in the way in which it really deserves to be treated.

My Lord, it is no use discussing the Budget under these circumstances, as I have said on former occasions, and therefore I will only confine myself to offering a few remarks more closely appertaining to the constituency which has recommended me to be sent to this Council. I cannot help saying in the very first instance that the Bombay Corporation has very good and just reason to be disappointed with the answer which it has twice received from Government with regard to its claim for a contribution for plague expenditure. We have been told that the principle laid down by the Government of India in regard to that expenditure is that we must look to the resources of the Municipality, and wait until all the taxable power at their disposal is exhausted before we can demand a contribution from Government, and before it can be granted. I will say nothing about the equity of the principle in regard to mofussil towns. I do venture to submit that in the case of Bombay a further consideration was necessary to be taken into account. The plague expenditure of the City conducted under the Plague Commissioner, though he happens to be Municipal Commissioner of Bombay, nominated by Government and under its orders, had for its object

the work of looking after plague, not only simply so far as local needs were concerned, but also in regard to the city as the capital of the Presidency and one of the greatest of Indian sea-port towns which collects enormous customs going straight to the Imperial Exchequer. Imperial considerations went far towards developing and increasing the expenditure already made in Bombay on plague measures, and I think the City of Bombay had therefore a just and equitable right to demand from Government a portion of the expenditure necessitated by imperial considerations. My Lord, though as I have said, your Excellency's Government has twice refused our demand, I still trust that something may take place by which Bombay in this respect may be treated with greater justice.

There is another matter in connection with the Municipality which I think now requires the careful consideration of Government, and it is a question to which I requested your Lordship's attention last year, namely, the question of medical relief. Medical relief is a head of local expenditure which under the adjustment of reciprocal liabilities between Government and the Corporation was kept by Government themselves, while other heads were either allowed to be retained or were made over to the Bombay Municipality. As far as the expenditure on police was concerned—with the administration of which Police force the City and Municipality had nothing whatever to do—that was placed on the shoulders of the Municipality, and I don't know if members of this Council would be surprised to hear that, from a sum of about two and a half lakhs, to speak in round figures, at which the amount stood at the time of the last adjustment, since the famous local self-government dispatches of Lord Ripon—that amount under the orders of Government has now increased to something like five and a half lakhs. The Bombay Government have been telling us that it was our duty as a progressive and civilised city to provide for police expenditure equal to the

necessities and requirements of the times. Well, willingly or unwillingly, as it was in the hand of Government, we now pay an expenditure of something like five and a half lakhs for the police in the City of Bombay. Medical relief, my Lord, as I have said, was kept by Government in their own hands and the amount of the money spent in medical relief in this city by Government since 1888—I suppose members will expect me to say it had, if only by a very small amount, increased. But the fact, my Lord, is that it has actually decreased and I have prepared a statement to show that with one exception, the expenditure on the civil hospitals of the city has actually gone to a lower figure than existed in the year 1884-85. The hospitals in the city, as I suppose members are aware, are the European General Hospital, the Sir Jamsetjee Jeejeebhoy Hospital, Cowasjee Jehangir Institution, Goculdas Tejpal Hospital, Cama Hospital, and two or three minor ones—the Dockyard, Police and Jaffar Suleiman Hospitals and His Excellency's Dispensary are included. Now the expenditure in 1884 on these hospitals was as follows. (I will not give the total expenditure because I am only going to show what share Government bear in that expenditure, though the total incomes of the different institutions are on this table.) With regard to the European General Hospital, in the year 1884 the sum expended was Rs. 19,979. It continued to hover about that amount in 1885, 1886, 1887, 1888, 1889, 1890 and 1891. Then in 1893 it increased to Rs. 89,335. Then in 1894 it increased to Rs. 94,000; in 1895 it fell to Rs. 85,000; it rose again in 1896 to Rs. 94,000 and in 1897 it increased to Rs. 1,07,000. In 1898 it was Rs. 1,09,000; in 1899, Rs. 1,05,900; in 1900, Rs. 1,22,000; and in 1901, Rs. 1,18,000. I have taken these figures from the reports of the hospitals of the city which have been separately published since 1890. These reports formerly were included in the general reports of Civil Hospitals. Now Your Lordship will see that, so far as concerns the European

General Hospital, the expenditure in 1884 was Rs. 80,000 to Rs. 79,000 and that it increased to Rs. 1,18,000 in 1901. Then comes the great Native hospital of the city, the Sir Jamsetjee Jeejeebhoy Hospital. In 1884 Government contributed towards its expenditure Rs. 1,72,000. In 1885 it decreased somewhat, in 1886 it still decreased and it went on in that way until 1889 when it again reached Rs. 1,72,000. Then it went on still decreasing. In 1890 it was Rs. 1,59,000; in 1891, Rs. 1,55,000; in 1892, Rs. 1,56,000; in 1893, Rs. 1,45,000; in 1894, it fell as low as Rs. 92,000; then in 1895 it was Rs. 87,000; in 1896 it fell to Rs. 85,000; in 1897 it was Rs. 95,000; in 1898 it was Rs. 97,000; in 1899, Rs. 93,000; and then in 1900 it reached Rs. 1,00,000; and in 1901 it again fell to Rs. 96,000. With regard to the Jamsetjee Jeejeebhoy Hospital, then, from Rs. 1,72,000 in 1884 it came down to Rs. 96,000 in 1901. With reference to the Cowasjee Jehangir Hospital, the contribution of Government was Rs. 16,000 in 1884. It was increased in 1888 to Rs. 21,000. Then in 1893 it was Rs. 19,000 and since then—I am quite unable to explain why it has decreased so much as it has, but in 1894 the Government contribution to the Cowasjee Jehangir Hospital was Rs. 14,405 and remained about Rs. 14,000 till 1900 when it was Rs. 4,944. In regard to the Goculdas Tejpal Hospital, I suppose some members know the history of that institution, and how the Government induced the Corporation to give a voluntary contribution of Rs. 36,000 towards the maintenance of that hospital. Government in 1884 contributed Rs. 15,643. That represents really the salary of the medical officer in charge of the hospital and it so remains up to the present, though I suppose in consequence of fluctuations of salary of officers or the standing of officer in charge in 1901 it is, say, Rs. 12,893. The Cama Hospital did not exist in 1884 and 1885, but in 1887 the Government contribution was Rs. 31,000, and with slight variations it remained at that amount, till in 1901 it was Rs. 34,000. I won't trouble your Lordship

with the Dockyard Hospital, the Police Hospital, or the Jaffar Suleiman; but the Leper Asylum I ought to mention because Government made a substantial contribution of Rs. 18,000 to that institution. Government contribute a small sum to the Motlibai Hospital and also to the Allbless Institute. Taking the result of their figures, your Lordship will find that so far as the expenditure on medical relief in the City of Bombay is concerned, if we exclude the European General Hospital, the decrease is a very considerable amount. I quite admit that in regard to the European General Hospital the amount contributed by Government has increased from Rs. 73,000 to Rs. 1,18,000. Even including these figures in the amount of total expenditure, the sum now contributed is considerably less than when the adjustment took place. I ask your Lordship and I ask the Council to consider what can be made of a state of affairs such as this. While the burden laid on the Municipality was increased from Rs. 2,50,000 to Rs. 5,50,000, the burden upon the Government in respect of medical relief has actually decreased. I have brought to the notice of your Excellency's Government these figures not with any object of complaint. Complaint in matters of this sort is a very impracticable business indeed. It is for the purpose of asking your Lordship's Government to consider if the time has not now arrived for the fuller working of the original local self-government scheme; and that, in the course of that working, your Lordship's Government will not consider whether the head of police expenditure will not be taken over by Government from the hands of the Municipality and such expenditure as affects medical relief and primary education made over to them. To a certain extent primary education has been treated as a joint concern and the Joint Schools Committee, Government and Corporation are jointly conducting the schools of the City. My Lord, I may be allowed to offer a word of congratulation to your Excellency's Government for appointing the

committee to consider how to remove a scandal which has been in existence for years, namely, a committee to consider the provision of better and more sanitary buildings for the primary schools of the City. As I have said, my Lord, primary education has been partly made over to the Corporation. Medical relief which at one time Government proposed to share with the Corporation is still retained in the hands of Government. I ask your Excellency's Government to consider if some arrangement cannot be arrived at under which the police charges could be taken over by them, the remaining liability of medical relief, in regard to the hospitals, and the primary schools being made over to the Municipality. If Government think proper, they can exclude from this arrangement the European General Hospital. But, my Lord, in making such an arrangement it must be borne in mind that the adjustment must be of an equitable character. The figures in the account should not be taken as they at present stand, because it would be a gross injustice to the Corporation to have a starved head of expenditure thrown upon it by Government in order to make the expenditure adequate. What I mean to say is this. As far as police expenditure is concerned it is very nearly brought up to the last stage to which it can be brought in the interests of the City. I see my honourable friend Mr. Edgerley looking at me and it alarms me, for it seems to indicate that some increase is projected in the police force. However that may be, while the head of police expenditure has been brought to its present state, as far as primary schools and hospitals and medical relief generally are concerned, they have been starved by Government. And any equitable adjustment that is made must be so as to meet in a right and proper way the increasing necessities of the times. My Lord, this is a very important question now for this reason : plague is no longer an epidemic, it has become endemic in the City. Plague measures have become a part of the regular expenditure of the Munici-

pality, and it has become a very important, very complicated problem for the Corporation to solve, how far to go in the direction of conducting plague measures and expenditure for that purpose when there is such a difference of liability between the Government and themselves with regard to the expenditure for medical relief. It is impossible for the Corporation to organise a thorough system of sanitary improvement without getting into their hand and without spending more money, if necessary, upon the institutions for medical relief, namely, upon civil hospitals. As it is, the Municipality are spending a large amount of money and have spent a large amount which they were not obliged by their constitution to spend. They have started free dispensaries throughout the City. Of course the Corporation has taken care to label these as plague measures. But this cannot go on for ever. Plague has become endemic and it is time that some thoroughly sound system of sanitary improvement should be carried out and that can only be done by the Corporation having in its hands, as well as scavenging and sanitary arrangements all the institutions for medical relief in the City. It has become a very important question for the welfare of the City that these institutions should be combined in one hand, and I therefore ask your Excellency's Government to give the question the consideration that it deserves, in order that something may be done towards a new adjustment of these heads of charges under which the Government may take over the cost of the police and put on the shoulders of the Corporation the remaining item with regard to primary education and the expenditure with regard to civil hospitals. There are various heads, such as the fees for liquor licenses and other purposes, which might be used for bringing about an equilibrium.

And now, my Lord, I will ask your Excellency's permission to speak on the subject of agricultural banks. I trust your Lordship will give me the same latitude as your Excellency gave to the Honourable Mr.

Lely last year, to make use of the subject as a peg on which to dilate on all manner of subjects except agricultural banks. (Laughter.) I have some reason to complain of the absence of Mr. Lely. I don't grudge him his holiday. I know he is very hard-worked. But I confess I cannot speak as freely and fully in his absence as I should have liked to do if he had been present. Members of the Council will remember that I gave him a full year's notice of my intention to speak on his observations on that occasion. But, my Lord, it is impossible in the public interest to let this occasion pass without offering a few observations on my honourable friend's speech in the last Budget debate—a speech which, judging from the Press, was received with very great delight by people to whom nothing is dearer than anything which combines a defence of Government with an attack upon the educated natives. Now, my Lord, I venture to say that my honourable friend's attack was as illogical, unjust and strained, as the apology which he made for Government was halting and lame. Not only so, my Lord, but the apology omits the most essential feature of the charge or indictment to which it was supposed to be a reply. Your Lordship will remember that in the debate on the Land Revenue Bill my honourable friend Mr. Lely in the course of the able speech which he made, attacked the educated classes as being only destructive critics utterly wanting in constructive capacity. I then ventured in the course of the debate to point to the action of the educated classes with regard to agricultural banks. My honourable friend took these remarks about agricultural banks somewhat to heart, and seems to have gone straight away and proceeded to study all the available literature on the subject. I am afraid his busy official life left him little time to get a perfect grasp of an important and difficult subject. I confess I was astonished when he declared in Council that he had discovered a panacea for one of the most difficult problems that exist in the country, the problem

of agrarian indebtedness. He said, my Lord,—I think I had better give his words, it will be only fair to him—and this is what astonished me, he said : ' Your Excellency, I take it that this co-operation,' meaning thereby popular banks—' is the one hopeful and radical means of combating in this country the demon of agricultural indebtedness.' Then, my Lord, for the purpose of establishing his discovery my honourable friend proceeded to pour on the heads of the members of this Council all his newly acquired stores of knowledge, and we could hardly draw our breath when he learnedly plied us with the names of Schulze-Delitsch, Raffeisen, Luzzati and many other jaw-breaking names.

Now, my Lord, it happens that my honourable friend Mr. Lely was not the only member of Council and not the only individual who had read the report published by the Government of India, which had been prepared by an officer specially appointed for the purpose—Mr. Nicholson—who had been asked to report on the possibility of introducing land and agricultural banks in the Madras Presidency. His report, as your Lordship will remember, came out in 1895, and, as could be gathered from the criticism which appeared in the Native Press at the time, the report was freely made known all over the country. Some of us had carefully perused it at the time, and we were not quite ignorant of what had been done by the founders of popular banks in European countries. Mr. Nicholson gave a full account of these institutions. But able as that report is, I have always considered it biassed by official prejudice, as if Mr. Nicholson had taken up a pre-concerted theme which he was bound to support. But Mr. Nicholson had studied the subject too thoroughly to fall into the blunder into which Mr. Lely fell. Not only does he not think agricultural banks would be the only means of combating the demon of agricultural indebtedness, but, on the contrary, he warns his readers about coming to any such conclusion and in the valuable preface

which he attaches to his report he tells us this. He says on page 8, 'The chapter on the indebtedness of the European peasant is introduced to show not merely that indebtedness is the common lot of agriculturists, especially of the smaller folk, but to prove that such indebtedness is not in itself the work of the usurer, though its mass may be increased, its miseries may be exuberated, and its evil effect upon independence developed by his action, but of social conditions and characteristics and even of the actual benefits and modes of progress which during the century have gradually developed in or been introduced into Europe; indebtedness cannot be got rid of—it may be increased—by substituting banks for money-lenders : no mere change in the machinery of credit can eliminate the difficulty.' And on page 12, my Lord, he says :—'Hence the radical remedy for indebtedness is not in the organization of credit, but in the removal from the farmer of all unnecessary disabilities, and in the promotion of all possible improvements whether in customs, in social characteristics, in executive demands and systems,'—I ask the attention of the members of the Council to those words—'in the opening of markets, in the spread of sound education, in the development of agricultural and industrial methods, and so forth.' So that Mr. Nicholson, who had thoroughly studied the subject, so far from regarding the establishment of popular banks as a radical means of combating the demon of agrarian indebtedness, told us clearly that it would be nothing of the sort. But, my Lord, the fallacy of my honourable friend Mr. Lely went very much further. Mr. Nicholson had studied the popular banks from a certain point of view. Mr. Lely did not tell us that most of the societies to which he referred were not agricultural banks at all.

He forgot to mention to us that, so far as Schulze-Delitzsch and the others were concerned, the institutions which they started were not for the agriculturists, but for the artizan and the small trading classes. Mr. Nicholson

points that out, my Lord, in his report on page 15, and says in the seventh inference which he draws, 'agricultural banks in the sense of banks expressly for agricultural credit, do not in general exist anywhere in the world, and most attempts to found such banks have failed; the Raffeisen societies alone may be called agricultural banks. The only banks that have reached the small folk of Europe, whether agricultural, industrial, trading or professional, are the popular banks, including in these the Schulze-Delitsch, Raffeisen, Luzzati, and Wollemberg societies, the small joint stock banks of Switzerland, the building societies of England and the United States and some others, including certain classes of savings banks.' Schulze-Delitsch himself never contemplated when he started these societies that thay were to be banks for peasants. As Mr. Nicholson in his note, particularly of Schulze-Delitsch, says:—'His first association in 1849 was a friendly society for relief in sickness; his second in the same year was an association of shoemakers for buying raw material; in 1850 the first loan society was formed with ten members, all artizans.' He gives the figures of those composing these societies, and says that these banks have been very largely urban institutions, and it has been calculated that not more than 10 per cent. of the loans reach agriculture proper and then only in an indirect way as agriculture is not their only pursuit. Then I need hardly say, my Lord, that all who know anything about the building societies and banks of England and America, know perfectly well that thay are industrial concerns, and the industrial conditions of India are very different from the industrial conditions of the problem in Europe and America—so different that it would not be worth while to draw any analogy between them. The most instructive part of the history of popular banks is in reference to France, and the account which Mr. Nicholson gives of it on page 179 is this:—'In the matter of popular banks or loan societies France is singularly behind hand; a people of pre-eminent organizing capacity, with a

complete perception of the need for guarded agricultural credit—a subject studied and discussed among them for fifty years—with the example of other nations, whether of the Teutonic or Latin race before them, with a soil sub-divided amongst millions of small proprietors wholly unaided by systematized credit, and with a land mortgage debt, amounting, in registered mortgages alone, to about £660,000,000 sterling. France has yet failed to establish any system of agricultural or even land credit which should reach the masses of the people; popular banks and loan societies except in towns, hardly exist; apparently not more than a dozen at most can be counted up, and these are urban rather than rural.'

Now, my Lord, I have specially referred to the case of France for this reason. Because these banks have not flourished in France, are we to say of the French people, the French educated classes, that the reason why these banks have not flourished is that there has been no spirit of independence, no spirit of self-sacrifice and devotion to public interest? I think, my Lord, it does not require to be said that there is as much of that spirit in France as in any other part of the world. The French people are capable of making as much sacrifice and working as hard as people in any other part of the Continent. How absurd it would be to charge the people of France, particularly the educated classes, with having failed in their duty because, for various reasons, they have failed to start popular banks in the country! But that is exactly what my honourable friend Mr. Lely did. He said: 'You, the educated natives of India, have been wanting in your duty'—these are his exact words. He said it very gravely to us in a way to make us feel how wicked we had been. He said: 'But none the less is it laid upon one to say again that they have failed in their duty to their country in this its particular need,' namely, that the educated classes have failed in their duty to their country, because they have failed in trying to establish popular banks for the agricultural peasants. Of all possible

alternatives, ignorance, difference of opinion, difference in the conditions of the problem, none is regarded by Mr. Lely, and Mr. Lely jumps only to one conclusion—failure of duty!

It is not a little amusing to find that, when you are making an attack of this character, you are apt to be illogical, and this is what has happened to Mr. Lely. What did he tell us? In a remarkable passage in his speech he asked me to review what I had said on a previous occasion, and said: 'Well, I will ask the Council just to look for a few minutes away from India to other countries where these banks have prospered and to ask who did the work there. Look at Germany. Who was Schulze-Delitsch? He was a man of small means and resigned a subordinate judicial post in order to give himself to the work of encouraging the masses to self-help. Who was Raffeisen? He was a rural burgomaster, a man no more connected with Government than the village patel in this country. He, too, was a man of small means, of indifferent health, but of unbounded devotion to his fellow-countrymen. Look at Russia. Who was Longuinine? He was a landed proprietor. In Italy, Luzzatti was a professor of political economy; Wollemberg was a landed proprietor; and Don Cerutti a priest of the popular religion. In France Durand was a lawyer of Lyons; Bouvie was a landed proprietor; Raynieri a banker of Mentone. Coming to England, the co-operative principle is chiefly embodied in building societies which, at this moment, comprise more than 600,000 members. Everyone of these societies is the handiwork of private persons. The "28 Rochdale Pioneers" who met together and put down £1 a piece, and with the £28 so obtained founded the famous stores which have since turned over millions of money—who were they? They were not officials, they were not public servants of any kind, they were not men of wealth or social influence, they were not even B.A.'s or LL.B.'s—they were simple ordinary working men.'

All this, Mr. Lely says, was not the work of B.A.'s and LL.B.'s, but it was the work of simple, ordinary working men. Then why attack the educated classes of this country for not doing what he himself told us the educated classes did not do in Europe and America? I submit it was rather a cheap sneer at the B.A.'s and LL.B.'s which carried away my honourable friend. I can only understand it by a saying which you have in the English language, 'That any stick is good enough to beat a dog with.' Any stick was good enough for an attack of that sort upon the educated classes of this country. But, my Lord, what is the defence which my honourable friend in his speech offered for Government? He said all these things were done in other places, not by Government, in some cases in spite of Government. But surely if you compare other countries, you have to confine yourself to conditions that are the same. You will remember, my Lord, that last year he offered us the very cold dish of official good-will: he said, you are entitled to nothing more but that exceedingly cold fare—official good-will. But I ask if my honourable friend in making that declaration did not forget the position of Government in respect to the agricultural classes in India? Of course we have private land-owners, but in India, as your Lordship knows full well from the debates on the subject of land revenue, Government have assumed the position of State landlords. My honourable friend Mr. Lely entirely forgot, when he was talking of giving to the agricultural classes official good-will, that he was talking of a Government that had set up as the universal State landlord absorbing crores of land tax and land assessment. And are there no liabilities or duties upon Government as such landlords other than that of simply offering this official good-will? I submit that if that factor is taken into account, it is the duty of Government to do everything in its power to extend to the agricultural labouring classes every possible measure which can affect their welfare.

It has been said, and Mr. Nicholson has pointed out, that these banks are useful, not for the purpose of combating the demon of agricultural indebtedness, but for the purpose of encouraging among the people the spirit of thrift. If that observation is correct, I submit that the Indian peasant is one of the thriftiest living on the surface of the earth. It was asserted last year in your Excellency's Council that he was not thrifty, but I would remind your Lordship that one of your own judicial officers, Mr. Aston, got up and stated emphatically that in the course of his long judicial experience he had come to the conclusion that the small agricultural proprietor of this country was one of the thriftiest beings on the face of the earth. It is no use deluding yourself by saying you can remove agricultural indebtedness by encouraging habits of thrift, even through the establishment of agricultural banks. The evil lies deeper, and unless you can put him in a position in which he has something left upon which to exercise thrift, the problem of agricultural indebtedness will remain as unsolved as it has remained up to the present day. Well, my Lord, I will make one more observation on Mr. Lely's speech. When Mr. Lely began the attack on the educated classes he said: 'And here I feel, Sir, I am treading on rather perilous ground, for the experience of others shows that any one, especially if he is a Government servant, who criticises the action or inaction of educated classes, must expect to be put down as hostile to them; if he ventures to disagree with them on any question of general policy, he is narrow-minded; if he ventures to hint that on certain points they are going wrong, he is a calumniator. Well, Sir, fortunately hard words break no bones. But even if they did, I must take the risk of saying, with all courtesy, that the private citizens of this country, and more especially the educated and intelligent ones among them, have not done all that they might in this matter.'

Now, my Lord, the courage my honourable friend displayed is of a very doubtful character. What could we

do but use hard words? My Lord, one is tempted to say that when an appeal of that character was made to the Council and the public, my honourable friend forgot that, though he might get hard words from certain classes of the public, he would get superabundant praise from other quarters; and he need not have been afraid of using the language which he did. But, my Lord, what my honourable friend Mr. Lely makes such a grievance of is far more applicable to us, the educated classes, than to him, and I will show you why. My Lord, if every educated native of this country does not accept in its entirety everything that is done or pronounced by officials, they at once begin to look askance at him. If he criticises them—and we have had experience of that in this very Council—he has no thinking powers at all. I am referring to what took place in the debates on the Land Revenue Bill. Why, my Lord, he may be deprived of his honesty. But if he opposes them to any extent—I speak seriously on this matter—he is told that he is either seditious or disloyal. These are the dangers to which the educated classes are exposed if they, however honestly they may do so, venture to differ from and criticise the action of Government and of Government officials. My Lord, I should like to make one further observation. A speech like that of my honourable friend fills me with despair. My Lord, however ignorant, however incapable of larger views we may be, I claim one thing—that what I say and do I say and do in the honest discharge of the loyal duty which I consider lies upon me; but it is most discouraging to find that there is no return so far as the officials are concerned. Take a man of the stamp of Mr. Lely. I know he is a hard-working, self-sacrificing official and no people were more loyal and more active in his praise when he did such noble work as he did in famine time in Gujarat than we were. We were the first to praise him and to appreciate him, to tell him that he was doing a great and noble work. He is, I know, very sympathetic towards the people, towards the

peasants, towards the agricultural classes. His heart goes out to them, as of a man of sensitive feelings and strong sympathy. He is a man, we know, of high culture and education and still, my Lord, I deplore the fact that a gentleman of that character has no sympathy with, I was almost going to say, is in antipathy to, the educated classes. He said in his own speech that perhaps he would be charged with having no sympathy with the educated classes and I interrupted him, but my full remark was not taken. The report states that I said, 'No, No:' that is not so. What I said further was, 'You don't understand them.' I deplore the grave fact that Anglo-Indian officials are wanting in sympathy with the educated classes of this country. My Lord, I hope that gentlemen like Mr. Lely will try and take the trouble to understand us, will try to realise that perhaps we are working to the best of our honest convictions for the welfare and progress of the country whose good we know they also have at heart.

FAREWELL TO LORD NORTHCOTE.

[*At the same meeting of the Council the Hon'ble Mr. Mehta spoke as follows after the business before the Council was over.*]

Before your Excellency adjourns this Council, I think I am acting according to precedent in asking your Lordship to allow us to bid you farewell. My Lord, I find that it is the unanimous wish of my colleagues in this Council that we should tender to you respectfully our most grateful thanks for the constant courtesy and great patience with which you have treated us throughout a number of years during which, I think I may say, very heavy legislative work had to be done. In your Lordship's time many measures of very great importance have been undertaken and passed. It is no wonder that sometimes there may be difference of opinion and strong difference of opinion; and I am not surprised to see that my honourable friend Sir James Monteath still adheres to some of the fallacies to which he gave utterance on a former occasion. But leaving all that aside, I remember very heavy and important measures like the District Municipal Act, the measure for regulating the police for the City of Bombay, during the passage of which through the Council all members recognised the very great influence that was exercised in order to make them satisfactory by what I may be allowed to call the liberal and sympathetic statesmanship which your Lordship bestowed on all these questions. I am perfectly sure that if these measures have taken shape so satisfactorily, the credit in a quiet manner belongs to a great degree to your Excellency. Then your Excellency was head of the administration at an unfortunate period when the Presidency passed through severe famine and distress. Plague and famine visited all parts of the Presidency. But, my Lord, I think the whole people warmly and cordially appreciate the fact that throughout that difficult period your Lordship was actuated by the most earnest

desire to do everything in your power to relieve the condition of the people, and to do everything that would help the progress of the Presidency as far as possible, to alleviate the distress which prevailed among the people to a considerable extent. My Lord, may I be allowed to say that in your great endeavour for that purpose, your Lordship was assisted by the warm and cordial help of your noble consort, Lady Northcote. My Lord, you are passing from us to fill—I may be pardoned for not saying a more important post—but a post of great dignity and of very great responsibility in the Empire. You will allow us to bid you a cordial farewell with our heartiest good wishes for the success which I feel sure will attend your Lordship's tenure of the very high office of the Governor-Generalship of Australia. In one respect I am gratified that your Lordship goes from the post of Governor of one of the Indian Presidencies to a colony like Australia. I am sure that your Lordship will do everything in your power to inform those great and powerful colonists that their Indian fellow-subjects of the Empire are not savages roaming about in wild woods—(laughter)—but are people who have inherited an old and very advanced civilization, and that they are people who hope that the English Crown will accord, as they have promised, equal rights for all their subjects of the Empire. My Lord, on behalf of this Presidency you will permit me first to thank you for the constant courtesy and patience that you have shown to the members of this Council, and secondly, my Lord, to bid you a warm and cordial farewell and every success in the high post which your Lordship is going to undertake.

MEDICAL RELIEF IN BOMBAY.

TO THE EDITOR OF THE "TIMES OF INDIA."

SIR,—I think the remarks made by Sir James Monteath in his reply on the Budget debate the other day respecting the relative functions of the Provincial Government and the Bombay Municipal Corporation regarding medical relief in the city should not be allowed to pass unnoticed. He is reported to have spoken as follows:—

'But even that (i. e., free medical relief to those who cannot afford to pay for it) is, I think, all the world over recognised to be mainly a duty of local bodies aided by voluntary contributions. The Government in the circumstances of this country may reasonably act as a pioneer in this matter and give aid and encouragement until the advantages of skilled medical relief are widely appreciated, and I do not think that it has in any way failed to do so. But it should not relieve local bodies of their obligations. The last place in the Presidency where the cost should fall wholly on Government is the wealthy City of Bombay. I believe the honourable members are under a misapprehension in supposing that Government undertook to bear the whole cost of medical relief in that City when the arrangement about the police charges was made, and I do not see how any Government could justifiably have committed itself to such an undertaking. So far as I can see, all that can be said is that this Government or the Government of India made no stipulation that the Municipality should bear part of the then existing rate of expenditure on medical relief. That under the Act is one of the objects to which municipal funds may be devoted.'

It is a matter of surprise to me that a grave Member of Council who so repeatedly tells us that we must take

care to be practical, and not wander over the world, should have so utterly misconceived the respective liabilities of Government and local bodies which depend not on what is done all over the world, but upon the specific adjustments and arrangements made by Government themselves with regard to the financial administration of the country, local and provincial. It is well that the memory of Government should be refreshed by a short bit of past history.

In inaugurating the famous decentralization policy which is now inseparably connected with his name, Lord Mayo 'foreshadowed the extension of that policy in the direction of handing portions of the Provincial revenues to local bodies, on the ground that local interest, supervision, and care are necessary to success in the management of funds devoted to education, sanitation, medical charity and local public works.'

In 1881, the Government of India sought to carry out the views thus propounded by Lord Mayo, and, in their Dispatch of 30th September 1881 (No. 3353), they thus enunciated the policy to be pursued by the Provincial Governments :—'His Excellency the Governor-General in Council is therefore of opinion that the time has now arrived when further practical development may be afforded to the intentions of Lord Mayo's Government, and that the Provincial agreements should no longer exclude from all consideration the mass of taxation under local and municipal management, together with the similar resources still retained in Provincial control, and ignore the question of local self-government. The Provincial Governments, while being now largely endowed from Imperial sources, may well, in their turn, hand over to local self-government considerable revenues, at present kept in their own hands, but similar in kind to many which have long been locally managed with success by Committees, partly composed of non-official members and subject only to a general remedial control reserved to the State and the Legislature.'

This Dispatch was followed up by another, No. 3513 of 10th October 1881, addressed to each of the Provincial Governments. In para. 4 of this Dispatch, it was pointed out that 'his Excellency in Council observes that at present the total amount spent on police by municipalities in British India amounts to about 27½ lakhs of rupees. The only function which the Municipalities discharge in regard to police is the provision of funds for the purpose of meeting the whole or a portion of the cost of the municipal police force. They practically exercise no control over the police, and cannot, therefore, be expected to take any special interest in the efficiency of the force, or to look with sympathy on a provision of the law which treats them as a machinery for raising taxes to be spent on a department over which they have no control, and in the efficient and economical expenditure of which they have but little direct interest and no immediate responsibility. The Governor-General in Council would therefore be glad to see municipal bodies relieved altogether of the charge for police, an equal amount of expenditure on education, medical charity, and, if possible, public works of local interest being transferred to them with as full control as may be practically expedient over the details of such expenditure.'

In recommending such an extension of local self-government, the Government of India were careful to point out that the new policy was not to serve as an instrument of shifting financial burdens from the shoulders of Provincial Governments to those of municipalities and local bodies. In para 5 they pointed out that 'it is not the intention of the Government of India that the proposed transfer of the control of expenditure of a specially local character to local bodies should involve any addition to existing local burdens, and it will be therefore necessary to arrange for the simultaneous transfer of receipts sufficient to meet any net balance of additional expenditure which in any instance may arise. The nature of the receipts to be transferred

requires careful consideration. They should, where possible, be of such a character as to afford a reasonable prospect that by careful administration with all the advantage due to local sympathy, experience, and watchfulness, they will so increase as to afford the means of meeting any additional expenditure which may be rendered necessary by the growing wants of each locality.'

In the Local Self-Government Dispatch of 18th May 1882, the Government of India re-iterated their anxiety on this point. In para. 21, they again pointed out that 'in the orders of the 10th October last, the Government of India laid special stress on the importance of entrusting to local bodies not merely the expenditure of fixed allotment of funds, but the management of certain local sources of revenue. Sufficient regard does not as yet appear to have been paid to this part of the scheme. Not only should every local body have the entire control of all local rates and cesses levied within its jurisdiction for its own special purposes, but along with the charge of any expenditure that is at present provincial should be transferred, where possible, the management of equivalent revenue.' In their Dispatch of the 27th October 1882, in reply to this, *i. e.*, the Bombay Government say: 'In conclusion, I am to observe that the Governor in Council notes the caution against the imposition of increased local taxation contained in paragraph 16 of your letter.'

With the object of carrying out the policy and principles thus laid down, the Bombay Government entered into negotiations with the Corporation. With regard to the financial adjustment, they proposed two alternatives which they thus set forth in their letter No. 795 of 1883, dated 26th February 1883, addressed to the Municipal Commissioner:—

'The Municipality now receives from Government an annual fixed payment of Rs. 1,43,750 under Section 63 of Bombay Act V of 1878, in lieu of money formerly credited to the Municipal Fund under Bombay Act IX of 1867,

The Municipality also receives on account of tobacco duty collected for it by Government a yearly revenue which amounts on the average to about Rs.1,46,000 after deduction of cost of collection. One solution of the question is that in return for being relieved of the police charges, the Municipality should abandon claim to these two sums which would then be credited to Provincial revenues, and to make good the difference, if any, between their aggregate amount and the amount of the police charges, should accept the financial responsibilities for a few small items of Public Works charges now paid for from Provincial revenues equal to that difference. An alternative course would be that the Municipality should take over the maintenance of certain of the medical and educational institutions in Bombay, including the Gokuldas Tejpal and European General Hospitals, the Elphinstone High School, the Victoria and Albert Museum and the Government Middle and Primary schools, and that to the Municipality should be transferred also the maintenance of some of the roads, gardens and other public works now kept up at the cost of Provincial revenues, any balance equitably due to Government after allowance has been made for the transfer of these charges being paid either by a cash contribution or by relinquishment, wholly or in part, as may be found necessary, of the payments on account of Abkari compensation or tobacco duty now received by the Municipality. Other expedients by which the object desired can be secured may suggest themselves to the Corporation.'

In this connection, it is desirable to recall to mind once more a fact which lapse of time, I am afraid, is fast obliterating from the memory of the public as well as that of Government. The liability to pay three-fourths of the cost of the City Police with which this Municipality stands saddled at the present day, is a burden which continues to be fastened upon it in the most unjust manner. I think the history of this injustice should not be allowed to be forgotten. I will recall it very briefly.

In 1864, the Municipality (as then constituted) contributed a sum of Rs. 88,540-12-2 on this account. In that year a Bill was introduced into the local Legislative Council to organize the municipal administration of the city on a systematic basis. While the Bill—afterwards Act II of 1865—which was in charge of the Honourable Mr. Cassels, was in Select Committee, the Government of India issued their Resolution No. 2245 of 31st August 1864 (Financial Department), in which, dealing with the whole subject of police charges in India, they laid down that 'the expenses especially required for the purposes of town populations should be defrayed by those populations, but the expense of police employed in towns for Government purposes should be defrayed by Government,' and went on to say 'certain limits should be fixed within which it should be at the discretion of the Government of India on the recommendation of the Local Government' (at this time the Provincial contract system was of course not in force) 'to exempt particular places from their liability for defraying the expense of their police. The maximum exemption may, perhaps, be fixed at one-fourth of the cost of the Municipal Police of every such place, no account being taken of the cost of the Government establishment. . . . The strongest case for the enjoyment of this privilege is that of the principal seaports, to which it might properly be conceded.'

In consequence of receiving this Dispatch, a section was added to the Bill in Select Committee, which afterwards became section 244 of the Bombay Municipal Act, II of 1865, by which it was enacted: 'The annual expenses of the Police of the City shall be paid out of the Municipal Fund.'

The transfer of police charges from the State to the Municipality, which was effected by Act II of 1865, was made in pursuance of the general policy laid down by the Government of India and in the full anticipation that it would be carried out throughout the Presidency and the whole country. This can be easily seen by a refer-

ence to the debates in the Bombay Legislative Council. On 1st February 1865, on the second reading of the Bombay Municipal Bill, the Honourable Mr. White, Advocate-General, made the following remarks :—

'He should wish to be informed on what principle the 213th and 214th sections had been framed. These clauses provided that the annual expenses of the Bombay Police should be paid out of the Municipal Fund. . . . From the report of the Select Committee, it appeared that these sections had been drafted in accordance with some suggestion contained in a Resolution of the Government of India. If the Council were satisfied that this suggestion must be acted on in passing the present Bill, he hoped that legislation in this direction would not be of a partial character. If the Police were made a local charge in Bombay, they clearly ought to be made a local charge throughout the Presidency, else the burden of paying for the mofussil police would be partly thrown on the tax-payers of Bombay. This was what partial legislation would amount to. He entirely approved of the principle, but objected to the Bombay people paying for other than their own Police.'

To this the Honourable Mr. Cassels, who was in charge of the Bill, replied as follows :—

'The order of the Government of India by which the expense of maintaining its police is to be paid by each municipality, arrived a few days before the close of the last session, and consideration of the Bill was immediately suspended until the order of Government had been considered. In the Government Resolution it was shown that throughout India there was a variety of ways by which the police of towns was supported. Some towns, and he did not mean the Presidency towns alone, supported their own police, some contributed one-fourth, others a half towards their expenses, and others did not contribute anything at all. The Government of India have ordered—and that order is no doubt in process of being carried out—that one uniform system should be

introduced into India, by which the expenses of local police should be paid out of local funds.'

Thus Bombay was made liable in her new municipal constitution for her police as a local charge, because a similar policy was to be applied to all other parts of the country. The elaborate 'Uniformity' Dispatch was, however, never carried out. Previous to Lord Mayo's Decentralization scheme of 1871, no mofussil municipality was called upon to pay or contribute to the cost of its police. In the debate on Bombay Act I of 1871, Mr. Tucker, then Senior Member of Council, cynically soothed the municipalities of the mofussil by pointing out to them that the statement that 'the entire charge of the police was to devolve on the municipalities throughout this Presideney' was true only, 'when confined to the City of Bombay.' (Speech of 21st April 1871.)

When Act II of 1865 was repealed and Act III of 1872 was passed for this City, the liability for the cost of the police was re-enacted practically in the same terms. This was followed in 1873 by the passing of the first really valuable Code for the mofussil municipalities, and Section 24, clause 1, of Bombay Act VI of 1873 prescribed one of the municipal functions as that of 'defraying such proportion, not exceeding one-half,' of the police charges 'as the Governor in Council may direct.'

The Governor in Council never chose to direct any payment under this Section except small amounts in a few places in Sind; and when the Bombay District Municipal Amendment Act (II of 1884) was passed, this liability was altogether done away with. By Section 24 of this Act, what were discretionary functions under the previous Act, viz., those of contributing towards medical relief and providing for primary education, were made obligatory. Act III of 1888 for the City of Bombay imposed new burdens on the City while retaining that for police charges. Is it so monstrous, as Sir James Monteath imagines, to ask that in the case of the City of Bombay, Government should relieve it from the cost of the police and substi-

tute that for medical relief? Perhaps it is too late now to ask for redress of the gross injustice under which the City has laboured in respect of the police charges, but surely it has a right to expect sympathetic consideration when, letting by-gones be by-gones, it asks that there should now, under pressure of the urgent 'sanitary' needs of the city, be a re-adjustment, whereby the Municipality should, in consideration of being relieved of the cost of the police, bear equivalent burdens in the shape of medical, primary education and other similar heads. All that it expects in the name of fairness is that if the cost of the police charges is to be estimated at the figure at which it now stands in consequence of the increase made by Government in the name of increasing requirements, the figure for medical relief should also be estimated at, not what it stands since 1888, but what it should have been if Government had increased it according to the growing requirements of the City in that behalf.

Rajkot, September 5, 1903. PHEROZESHAH M. MEHTA.

SPEECH ON BISHOP MacARTHUR.

[*In response to invitations issued by a Committee composed of Sir Jamsetjee Jejeebhoy, Bart., Sir D. M. Petit, the Hon. Mr. P. M. Mehta, C.I.E., the Hon. Mr. Justice Chandavarkar, Sir Bhalchandra Krishna and Khan Bahadur D. R. Chichgar, a large and representative gathering of European and Indian ladies and gentlemen assembled on October 13, 1903, at the Tata Mansion, to meet the Rt. Rev. Dr. James MacArthur, Lord Bishop of Bombay and Mrs. MacArthur, who were leaving this country.*]

The Hon. Mr. Mehta addressed the assembly. He said he had been asked—perhaps because he belonged to a profession to which his Lordship the Bishop at one time belonged—(laughter)—to say a few words giving expression to their feelings of great and keen regret at the impending departure of his Lordship and Mrs. MacArthur from amongst them. That regret was very much heightened by the circumstance that it was owing to considerations of health that he was compelled to retire. He was sure that he was expressing the universal sentiment among them all when he said that, short as had been his stay among them, they had come to regard him with feelings of esteem, of affection and of admiration, and he would add, further, of gratitude such as had been unknown to them towards any of his predecessors. (Applause.) This was the more remarkable, when they remembered that his position as head of the English Church in this Presidency was one in which it was not always easy to acquire their affection or to excite their gratitude. (Applause.) The position of an Indian Bishop was one of peculiar difficulty and perplexity. He was the minister of a religion which earnestly sought to bring the people of every country within its pale. He was at the same time one of the highest officials of a Government which never did a wiser thing than when it proclaimed absolute and complete religious neutrality as the basis of its policy. In this Presidency they owed it to the great and revered statesman who presided at its consolidation—Mountstuart

Elphinstone—that this policy was firmly and unswervingly upheld. (Applause.) Himself a God-fearing, religious man, he emphatically laid it down in his famous minute on education that 'To the mixture of religion, even in the slightest degree, with our plans of education, I must strongly object.' It was, no doubt, not a little difficult to reconcile these two positions and the duties arising out of them. Recently, in the Bengal Presidency, matters threatened to come to a crisis. In this Presidency, they were fortunate in possessing a man like his Lordship who brought to the solution of the difficulty true statesmanship and insight, inspired and guided by sincere charity and large-hearted and large-minded sympathy. (Applause.)

That large-hearted and large-minded sympathy was never more conspicuous than in the great sermon preached by his Lordship at St. Paul's Cathedral two years ago. He could not resist the temptation of reading a couple of extracts from it. His Lordship at that time said:—'I speak with the heart-felt respect of one who has conceived a high esteem for the people of India, and whose ambition is, if God will, to understand them, to deserve and to win their friendship, to serve them with wisdom and with sympathy in all departments of their social life, and to be a fellow-worker with them in all that may further their national welfare. . . The craving for independence, for liberty, for recovered nationality, for powers and opportunities of self-government according to indigenous views and instincts, corresponds very closely to the ruling passion in the hearts of the Jews. It is not, indeed, diffused among the people to the same extent. . . . But among the educated—those who are the natural leaders of the people, whose lives are identified with India, who have nothing to look for from Western sources, whose only prospects lie in the progress of their country—the craving is deep and strong. It explains the restlessness which is observable on the surface of Indian life, the discontent, the fretfulness, the disposition to criticise, the tone of bitterness, the temper of suspicion and seeming unfriend-

liness. It is easy to mistake the significance of these things, to interpret them as evidences of a seditious spirit, and an attitude of disloyalty to our Government. I am convinced that they mean no such thing. . . . . The people are fully conscious of the advantages they owe to us. If they do not exactly like the foreigner, they esteem and trust him all the same.' These were noble utterances, as thoughtful and true as they were high-minded and sympathetic. (Hear, hear, and applause.) Therefore it was that they were filled with deep regret at losing his Lordship and his kindly help-mate from among them. And in bidding them a cordial adieu, they could assure them that their honest and most heartfelt wishes went with them for their long life, health and happiness. (Loud applause.)

SPEECH ON THE UNIVERSITIES BILL.

[*An adjourned meeting of the Bombay Senate was held on the 21st December 1903, in the Sir Cowasjee Jehangir Hall of the University, the Rev. Dr. Mackichan, the Vice-Chancellor, presiding, for the consideration of the report of the Committee appointed by the Senate on the subject of the Indian Universities Bill. In moving the adoption of the Committee's report, the Hon. Mr. Mehta spoke as follows.*]

Mr. Vice-Chancellor, in moving the adoption of your Committee's report, I venture to think that you will not grudge to me some amount of patient and indulgent attention while I endeavour to explain to you the position and attitude of those who concur in its recommendations. Our motives—the motives of those who think with us—have been assailed from a variety of quarters. I do not complain of these attacks; I do not refer to these attacks as if nobody had a right to impugn our motives and expose our selfishness. On the contrary, I have always regarded the solemn exhortations to avoid imputing motives and attributing intentions as in most cases unmitigated cant, and you will generally find that those who preach the doctrine most loudly are those who practise it the least. Motives and intentions must be judged of by acts and surrounding circumstances; even in criminal cases, where the principles of evidence are most strictly applied, inferences are deduced in the same way. If a man shoots at you, the law says you can presume that he intended to kill. It would be absurd, therefore, to protest against the fullest discussion of motives and intentions as deducible from patent facts in conformity with the maxims and canons which generally govern human conduct. I only claim the same privilege for myself that our critics and opponents claim for themselves and exercise without hesitation. Our own Vice-Chancellor told us the other day in his able, skilful and plausible, but he must pardon me for saying inconclusive, Convocation speech, that our opposition to the recommendations of

the Universities Commission was 'most natural,' and it was owing 'to the reluctance of those who imagined that they amount to a condemnation of their past services to the University.' This is tantamount to telling the Fellows of this Senate that our opposition was inspired by personal and selfish considerations, and that our reasons and arguments in support of it were hollow and pretentious. Now let us examine the case fairly. Our reasons and arguments are the very same which we put forward as far back as 1891, when we were not threatened with destruction or were being ungratefully condemned. But what is more interesting is that they are the same as those ably and eloquently placed before this Senate by the Vice-Chancellor himself. And what is still more interesting is that they are the same as those put forward by the Vice-Chancellor three years after he was fully cognisant, as he has told us himself, of the fatal flaw in our University system that teaching has been made subservient to examination. I may thus claim, on the authority of the Vice-Chancellor himself, that the reasons for our present attitude are neither hollow nor pretentious, neither personal nor selfish. They are the reasons which approved themselves unanimously to the Senate—even to those members of it who are not going to be abolished—but even to be promoted—men like Principal MacMillan, Father Dreckman, Colonel Dimmock, Professor Scott, who all cordially signed our previous report and voted for it in Senate. It is true that they have changed somewhat since then, but that is a situation for them to explain. On the other hand, the result of our examination of the situation leaves us with a somewhat inexplicable inconsistency on the part of the Vice-Chancellor himself. I am afraid he got into rather strange company on the Commission. His attempted explanation that the Commission was thinking of shifting the centre of gravity from examination to teaching was lame enough, seeing that after all their talk about Oxford and Cambridge there was no proposal to

change the Indian Universities into anything like these impracticable ideals. But with this Universities Bill before us, it is now altogether untenable. Our Universities remain the same as before; only it is said that under the Bill, they are given large powers to inspect colleges. Therefore it is argued that the Senate should be cut down and the Syndicate composed of educational men from the colleges. Now I venture to say that this argument cuts entirely the other way. For God's sake, if you are going to invest the Universities with inquisitorial power over colleges, do not let the Senate and Syndicate be largely or even preponderatingly composed of professors from some colleges. They are sure in that case, in the long run, to abuse their powers in both directions. They will treat some colleges with partiality and they will treat others with injustice. No, I am afraid the problem of the inexplicable inconsistency of the Vice-Chancellor will not be thus solved; it will still remain inexplicable.

Our attitude and motives have been next impeached by the hon. member in charge of the Bill, Mr. Raleigh, the president of the Commission. In introducing the Bill, Mr. Raleigh said: 'The Universities, through their Senates or Syndicates, gave their opinions on many points of the reports, and it was made evident that the Senates of the three older Universities were strongly opposed to any thing in the nature of constitutional change. No corporate body cares to admit that its constitution needs improvement. If Parliament had waited for the consent of the University of Oxford, the Statutes of Archbishop Laud might still be considered sufficient for all practical purposes; Professors might still be performing their duties as in the undergraduate days of Adam Smith; and college tutors might be following in the steps of the gentlemen on whom Gibbon conferred unenviable immortality by describing them in his autobiography.' This is a formidable indictment against the policy of placing preponderating power in the hands of

professors, principals and educational officers; it is a wonder that Mr. Raleigh did not perceive that we should profit by the historical lesson that the results of the concentration of authority in the hands of educational experts in Oxford and Cambridge teach us. It is to the system that the Bill tries to introduce in the Indian Universities that the two English Universities owed their persistence in old and antiquated methods, and made them so largely the strongholds of unreasoning prejudice and uncompromising conservatism of the most stagnant character. If we have escaped these evils in the case of the Indian Universities, it is owing to the large and healthy admixture of the outer world in their Senates. While Mr. Raleigh's history is thus against him, his sweeping generalisation about corporate bodies being opposed to improvement is inaccurate in its analogy. The opposition to reform generally proceeds from corporations whose members benefit by their wealthy endowments or by possession of great power. The Senates of the Indian Universities are rich neither in the one nor the other. They are wealthy only in the opportunities they afford to non-official Fellows of being abused and ridiculed and maligned when they endeavour to introduce reforms suggested by their special knowledge of native capacities, native needs and requirements, as we discerned at the time of the debates on the question of examination by compartments. Even misread history does not transform a sneer at such corporations into a valid argument. I confess I was sorely disappointed by Mr. Raleigh's speech in introducing the Bill; it only deals in assumptions without grappling with the detailed arguments derived from actual experience. It is clear that his want of practical experience of the Indian University system has made him incapable of dealing with the realities of University problems in this country, and this defect could not be remedied by the help of his educational colleagues on the Commission who could give him only a one-sided view and an interested and prejudiced

mind. The Commission was not constituted to represent all views, and it is futile to be angry at the presumption of suspicion, which was, according to the ordinary canons of human conduct, fairly raised by the public that a Commission, constituted in a one-sided manner, was constituted for the purpose of making a one-sided report.

The imputation of motives by the Vice-Chancellor and Mr. Raleigh is, however, an altogether mild affair when compared with the heavy indictment brought against us by the Viceroy himself. I am one of those who have rendered unstinted homage and admiration to Lord Curzon for his great abilities and noble qualities. It was therefore with pain and astonishment that I read his interpretation of our attitude in his great Budget speech this year. He said:

'Accordingly, we appointed a Commission, under my hon. colleague Mr. Raleigh, to examine into the question of the Universities, and we cousulted the Local Governments upon every other feature of our plans. Since then the public has had the best part of a year in which to expend its energies upon discussion—an opportunity by which no one can say that it has not profited. Whether Government has profited equally by these proceedings is open to doubt, for I observe that whereas a year and a half ago everyone was agreed that education in India stood most urgently in need of reform, that it had got entirely into the wrong groove, and was going steadily downhill, dispensing an imperfect education through imperfect instruments with imperfect results—a great many of the interested parties now meet together, and proclaim in injured tones that they stand in no need of reformation at all. Now let me say at once that this is not good business. I lay down as an absolute and unassailable proposition that our educational systems in India are faulty in the extreme; and that, unless they are reformed, posterity will reproach us for the lost opportunity for generations to come. I remind the public that that proposition was most cordially endorsed

by every shade of opinion one and a half years ago. Since then we have shown a consideration for the interests of all concerned and a reluctance to act with precipitation that have been pushed almost to extremes, and have exposed us to the charge of timidity and irresolution. My object throughout has been to carry the public with us in our reforms, and to base them upon the popular assent. I am still hopeful that better counsels will prevail, and I shall spare no effort to attain this result. But if every reform proposed is to be overwhelmed with obloquy and criticism, because it touches some vested interest or affects some individual concern; if change of any kind is to be proscribed merely because it is change; if the appetite for reform, so strong two years ago, has now entirely died down, then I must point out that the educated community will have forfeited the greatest chance ever presented to them of assisting the Government to place the future education of this country upon a better footing, and Government will be left to pursue its task alone. I should be most reluctant to be driven to this course. I want to reform education in India, I will not say *omnium consensu* because that may be an impossible aspiration, but with the good will and assent of reasonable and experienced men, and I have a right to ask that in so far as they are dissatisfied with the *status quo*, they shall render our course not more difficult, but more easy. I cannot imagine a worse reflection upon the educated classes in India, or a more crushing condemnation of the training that we have given them, than that they should band themselves together to stereotype existing conditions, or to defeat the first genuine attempt at reform that has been made for a quarter of a century.'

I have said that I read this with pain and astonishment—pain that Lord Curzon should have so utterly misconstrued our attitude and motives, and astonishment that he should have been so entirely inaccurate in his statement of the facts from which he deduced his

condemnation. It is perfectly true that we have been complaining, and complaining bitterly, for years, for reform in the educational policy of Government; but it is incorrect to say that we have at any time impeached the constitution of the University, except perhaps to inveigh against the unwise exercise of the power of sanction vested in Government as in the case of the resolutions of the Senate regarding examination by compartments, the attempted abolition of which in the Madras University was denounced by so able and experienced an educationist as Dr. Miller as most retrograde and unutterably mischievous. Presiding at an annual meeting of the Bombay Graduates' Association, I myself delivered an address in 1893 pointing out the grave defects in the educational policy of Government, its starved educational budget, its badly equipped high schools and colleges and the withdrawal of the University grant. But as to the constitution of the Senate and the University, we were so satisfied of its successful working that when in 1891 we entered upon a deliberate examination conducted by some of the most distinguished men who have illustrated its annals, we could ask for no further development of the constitution of the University except the expansion of its independent existence by the introduction of a more liberal franchise for the election of Fellows by graduates. You, Mr. Vice-Chancellor, were one of the foremost workers on that occasion and not the least distinguished of those who set the seal of their approval on the constitution of the University and its successful working in the light of experience. I am afraid the Viceroy has mistaken the cry against the educational policy of Government as having been against the constitution and organisation of the University, which, as I have shown, had won the deliberate approval of the highest educational experts of this Presidency. It is therefore neither business nor logic to give us a stone when we asked for bread, and then to call us names if we could not swallow the stone.

And it is a stone, gentlemen, that is offered us in this new Universities Bill. In proceeding to discuss it, I cannot help deploring the want of practical wisdom that is shown in attempting to legislate in one measure for all the Indian Universities. In all the arguments I have had with its advocates, I have found that they perpetually strive to justify its provisions, not because they were required by the circumstances of this or that Presidency, but because they were required for some other. I have been once and again told that a provision may have been proved by experience to have worked well in the Bombay Presidency for instance, but it had to be altered because it had not worked well under the circumstances of some other. The sagacious foresight of the great statesmen who laid the foundations of our Universities had foreseen the absolute advisability of separate treatment for the Presidencies; and simple and broad and general as were the provisions of the University Acts, they still wisely adopted the alternative of passing different acts for different Presidencies. The wisdom of the course they adopted is made manifest to-day. Everything that could be gained by passing one Act for all Indian Universities could be gained by passing an Act for each Presidency. The converse does not hold, as is shown by the fact that to suit the interests of one Presidency there is always some chance of sacrificing the interests of another. I would fain implore the Viceroy respectfully to adhere to the foresight and wisdom of the great men who carried out the consolidation of British rule in this country and let each of the Indian Universities have its own Act.

Coming to the Bill as it is, embracing all Indian Universities, I remember that Lord Curzon has exhorted us in the speech to which I have already referred, to dismiss from our minds 'all the wild talk about killing higher education and putting education under the heels of Government.' I am perfectly sure that this advice is entirely honest and sincere, and if we were always to have

Lord Curzons for Viceroys I would freely take the advice which is so sincerely given. But we have to look, it is our duty to look, both behind and before. We know that in the past, not the killing, but the clipping of higher education has not been beyond the pale of political contemplation in the highest quarters.

It seems to me that when the Viceroy emphatically affirmed last Friday that the Government of India recognized their duty of taking in their hands the charge of higher education in this country, his Lordship forgot what had taken place not more than ten years ago, and may take place again when he is gone. In 1890-91 the policy of the Government of India with regard to higher education was exactly the reverse of what the Viceroy to-day proclaims it. Then all the talk was of withdrawing from the control of higher education and leaving it to drift without any aid or provision from Government. Many of us here will remember how this policy was praised and justified by Sir William Lee-Warner in the name of self-help and private enterprise. In his Convocation speech at the Allahabad University in 1893, Sir Charles Crosthwaite, then Lieutenant-Governor of the N.-W. Provinces, frankly described this policy and its justification. After stating that 'by one party the Universities and Colleges have been accused of flooding the country with half-educated young men who will look nowhere but to the service of Government for employment, whose knowledge is superficial, whose conceit is boundless, who are fluent and turgid in language, but who have no accurate conception of the meaning of the words they use or the phrases they repeat,' Sir Charles went on to say: 'There is no doubt that, in the cases of some of the older Universities, the number of men who have taken degrees is in excess of the demand for men of that stamp. In this country there is a distinct danger in creating a class of needy scholars who are in excess of and above the only employment open to them. There are two ways in which it can be met with by those

who have the control of education. One is by making college education more expensive and self-supporting and restricting it to those whose parents can afford to pay for it and to boys of exceptional merit who can win scholarships and contribute to the cost of their schooling.' Those who remember Sir Charles Crosthwaite's speech of 1893 and the policy, and the reasons for that policy, then in vogue could not help being startled by the opening words of Mr. Raleigh's speech in introducing the present Bill. He said :—' My Lord, the question is sometimes raised whether English education is a blessing or a curse to the people of India. To the schools and colleges under our administration we owe some of the best of our fellow-workers, able judges, useful officials and teachers. To them also we owe the discontented B.A. who has carried away from his college a scant modicum of learning and an entirely exaggerated estimate of his own capacities, etc.' I will not pause to enquire in what country in the world, where education is given,—in England, Scotland or Ireland,—there are not turned out hundreds and thousands of young men with a scant modicum of learning and an exaggerated estimate of their own capacities. But there is in these words of Mr. Raleigh an ominous sameness of ring and purpose with those of Sir Charles Crosthwaite's. Such may not be the purpose and policy of Lord Curzon, but what guarantee is there that the same purpose and policy may not be revived, and with the absolute control which this Bill vests in Government, use it as an instrument, not for the purposes aimed at by the Viceroy, but for the purpose of clipping the wings of higher education solely with the view of abolishing this bugbear of Anglo-Indians, the so-called discontented and conceited B. A.

It is thus looking before and behind that we are alarmed at what is the aim and will certainly be the result, if this Bill is passed, of making the University a department of Government. This aim is scarcely disguised, and what the Viceroy said on Friday bears out the forecast of the *Englishman*, when it said some months

ago in an article on the agitation against the Commission's report, 'there need be no concealment about one of the main objects of the proposed reforms, which is that the direction of University education should henceforward be under European control, and that the Universities should therefore be under the domination of the Government through such a new constitution as may be established by legislation.' There can be no doubt that it is legislation of the character described by the *Englishman* that this Bill carries out.

To really realize the drift and scope of the Bill you must take it as a whole, and not piecemeal, as some of my colleagues on the committee have done. Section 3 provides that the exercise of all and every function vested in the University shall be subject to the approval of Government. If the University has to make an appointment it must be subject to that same approval. The composition of the Senate, under Sections 4, 5 and 6, is practically in the hands of Government. By the limitation of the number of Fellows to 100 even the hands of Government are tied so as to leave them very little discretion, but to make it preponderatingly European and official. Under Sections 19-24 affiliation and disaffiliation are made direct acts of Government, the Senate and Syndicate only submitting to Government their enquiries and opinion. Under Sections 25-26 the bye-laws and regulations are absolutely placed at the mercy of Government, who have power to add and alter the draft bye-laws prepared by the Senate as they choose. This is all the Bill. Whether the Universities will be made teaching Universities as is so often insisted on, is a nebulous problem left to Providence in the dim future. What is certain is that a clean sweep is made of the integrity and independence of the Senate which have been such valuable factors of healthy growth in the past. Is this a consummation to which the Fellows of this Senate will give their approval, or will they resist it to the best of their power, little as that may be? (Loud applause.)

BANQUET AT THE RIPON CLUB.

[*On the 11th August 1904, the Ripon Club of Bombay gave a banquet to the Hon'ble Sir Pherozeshah Mehta, K.C.I.E., in honour of the title of K.C.I.E. conferred on him. Sir Jamsetjee Jeejeebhoy, Bart., President of the Club, proposed the health of the guest of the evening, and Sir Pherozeshah replied as follows.*]

After alluding humorously to the slight tinge of malice in the kindness of his friends to invite him to dinner and then straightway proceed to spoil it by requiring a speech in reply, he went on: But, Mr. President and gentlemen, you can well imagine how deeply I must feel the kindness with which all of you, my friends, have greeted me to-night, and how deeply I must be grateful to you for the kind feelings which have actuated you in asking me to receive this reception at your hands. (Hear, hear.) Mr. President and gentlemen, I say, without affecting modesty, that all the good things which have been said of me here and elsewhere, I could not altogether deserve. But, gentlemen, I welcome the reception at this meeting to-night for reasons which, I think, I will be able successfully to place before you. Gentlemen, I consider this meeting to-night and the reception which you have given me as the recognition of the principle that besides what we are bound to do as private citizens, and as good private citizens, every one of us is bound in duty to work for his city, his people and his country. (Hear, hear.) As a public citizen (loud cheers), I may say that what you have done to-night is to prove that you will place the seal of your approbation on the honest efforts, however humble and however small, of a citizen to serve the public, and that you will accord to him your kindest affection, your cordial sympathy and your unstinted and generous approbation. (Hear, hear.) I cannot be sure whether some of my younger brethren in the Club are aware how appropriate it is that this seal should be set on the efforts of public citizens by a

body composed of Parsis. Our friends of other communities are present here and among them one whom I can claim to call, and I am proud to call, my colleague in public life (hear, hear), my friend Mr. Justice Badruddin Tyabji. (Loud applause.) He is a staunch Mahomedan and careful of Mahomedan interests; but he had worked with me in public life as a public citizen so long as he was on the other side of the judicial Bench. (Hear, hear.) And even when on the Bench he has been a staunch and gallant champion of the public cause. (Hear, hear.) He is a staunch advocate and defender of the cause of his country and of the National Congress, never hesitating to raise his voice for it whenever an opportunity offered (hear, hear)—and whenever an opportunity did not offer, he made it for himself. (Loud cheers.) Gentlemen, though I speak in the presence of my friend Mr. Justice Tyabji, and our other Hindu and Mahomedan friends, I think I am only relating a bit of history when I say that the Parsi community have been first and foremost in setting an example of public citizenship. (Hear, hear.) Going back nearly half a century, we come across indications of this fact. I happen to be the Chairman of the Trustees of the Framji Cowasji Institute, and going through its papers, I came across a short pamphlet the other day containing an account of how the Framji Cowasji Institute came to be established. Gentlemen, to my intense gratification I found that the first public meeting which was held in Bombay to do honour to a native of this Presidency composed of all communities —Europeans, Parsis, Hindus and Mahomedans—was for the purpose of commemorating the worth of Framji Cowasji. (Hear, hear.) Gentlemen, I was reading the report of that meeting and I will read one sentence from it—it is from the speech delivered by one of the most prominent speakers at that meeting, Sir Erskine Perry, to whom we owe not a little in the matter of education in this Presidency. (Cheers.) He said:—
'You as his friend and our colleague, Mr. Chairman,

know how highly I estimated the character of our deceased friend. He was not a scholar, and for the last 10 years of his life he was not a wealthy man ; indeed he had fallen into evil days, and yet he managed to secure the love and esteem of all who came within his influence ; and the question which suggests itself is—what were the qualities which won the esteem and love, which he possessed, of all the inhabitants of Bombay ?' Hear, gentlemen, the reply to this question which Sir Erskine Perry gave :—' His eminent good citizenship.'

Begging pardon of our Mahomedan and Hindu friends, I will read two more sentences from this speech. Sir Erskine Perry goes on to say :—' He possessed that virtue not common among people now in an eminent degree. It is a virtue too little exemplified by our Hindu friends,—who I hope will excuse me for so saying. Nor is it universal among the Parsis, but it is more so among them than other classes.' You will thus see that it is an historic fact that the seed of good citizenship was sown in this Presidency by the Parsi community. It may be that owing to their numbers our Hindu and Mahomedan friends will, nay must, pass us in the race ; but I will ask them to remember in the hour of their success that it is the Parsis who sowed the seeds of which they reap. (Hear, hear.) Gentlemen, going a little further in our local history, we find that Framji Cowasji was a warm supporter and encourager of that young band of educated men who were touched by the very first rising rays of the dawn of English education in this Presidency (cheers), composed both of Parsis and Hindus, though the Parsis predominated. (Hear, hear.) They were men who were filled with enthusiasm for this ideal of citizenship, among them being persons like Dadabhai Naoroji—(loud cheers)—and Nowrozjee Furdoonjee, Sorabji Bengali, Ardeshir Framji, and Vishwanath Mandlik and many others whose names are familiar to us. (Loud cheers.) Let me add to that list one other name, perhaps a little later in

point of time, but he came out of that same Elphinstone Institution and with the same ideal of citizenship—my dear late lamented friend, Jamsetji Tata. (Hear, hear.) From the education which he received in the Elphinstone Institution he came out with this ideal of public citizenship, which, in process of time, he carried out to an extent which won the admiration of all India. (Hear, hear.) Gentlemen, these men were carrying out this ideal, and when I came out from England, I had the good fortune to be thrown amongst them, and it occurred to me that it would be a useful thing to focus these high traditions and noble impulses into a Club. The Elphinstone Club thus came to be founded. But it was a Club of which the members were personal friends. In the course of a few years it occurred to us that these high traditions and noble aspirations should have play over a larger area. The Elphinstone Club was extended and enlarged into a Club in which every Parsi, who wished to live in an atmosphere of high ideals and noble thoughts, was welcome. (Hear, hear.) This idea, gentlemen, has been the seed of the Ripon Club. (Hear, hear.) Gentlemen, therefore it is I think that it is proper that this Club should meet to-day, not to extol my humble services, but to show that they will put the seal of their approbation on any man who, besides being a good private citizen, also tries to be, as far as it lies in his power, a public citizen. (Hear, hear.) Mr. President, while receiving this cordial reception which you are giving me to-night, I am perfectly sure that those traditions which so distinguished the Parsi community, and those noble impulses which have always actuated the Parsis in this Presidency, will continue to be practised by the rising men whom I see before me. (Hear, hear.) Gentlemen, in these days we are somewhat materialistic. We sometimes think that we have got nothing to do but to accumulate wealth for our own enjoyment. (Hear, hear.) Gentlemen, that is not all that we have got to do in this world. (Hear, hear.) Life requires

something higher and nobler for its full satisfaction. Gentlemen, that reminds me of a poetical passage. As we are now just after dinner, perhaps in a postprandial speech, a quotation from poetry may not be amiss. We cannot be content without aspiring at something more than self-indulgence.

> At least, not rotting like a weed,
> But, having sown some generous seed,
> Fruitful of further thought and deed,
> To pass, when life her light withdraws,
> Not void of righteous self-applause,
> Nor in a merely selfish cause—
> In some good cause, not in mine own,
> To perish, wept for, honour'd, known,
> And like a warrior overthrown ;
> Whose eyes are dim with glorious tears,
> When, soil'd with noble dust, he hears,
> His country's war-song, thrill his ears :
> Then dying of a mortal stroke,
> What time the foeman's line is broke,
> And all the war is roll'd in smoke.

Gentlemen, I have already said that the Hindus and Mahomedans may pass us in the race. I make bold to say that if the Parsis try to act on the traditions and principles of their ancestors—those ancestors of whom I have reminded you, no Parsi need despair of the future of his community either in this Presidency or in the whole country. (Hear, hear.)

Gentlemen, I am very grateful to you for the kindness you have shown me on this occasion, not only so, but for the courtesy, kindness and consideration which I have always received at all times at the hands of my brethren of this Club. (Hear, hear.) Mr. President and gentlemen, I thank you most heartily. (Prolonged and deafening cheers.)

THE TWENTIETH INDIAN NATIONAL CONGRESS.

[The Hon'ble Sir Pherozeshah Mehta, K.C.I.E., delivered the following address as Chairman of the Reception Committee of the Twentieth Indian National Congress held at Bombay, on the 26th December 1904.]

I count it a piece of singular good fortune that I should stand before you here to-day to tender to you, my brother-delegates of the Twentieth Indian National Congress, the same cordial, sincere, and earnest welcome, on behalf of the Reception Committee, which it was my pride and privilege to tender to you on this very Congress platform exactly this day fifteen years ago. It is a piece of still greater good fortune for which both you and I cannot but be equally thankful, that I am supported on this occasion as on the last by the presence amongst us of one than whom India had never a warmer, truer, more devoted, more self-sacrificing, more faithful and more constant friend—you see him on my right, Sir William Wedderburn—whose name is now a household word amongst us, cherished with tender respect and affection. A noble type of the high-minded and high-souled Englishman at his best, it is owing to the fact of the existence and activity of such Englishmen in the ranks of Anglo-Indians and Civilians that our hopes and our aspirations escape from despair, and our attachment and our loyalty to British rule are preserved and strengthened. It never rains but it pours, says the proverb, which in its ignorance of the scheme of Providence attributes to it partiality and favouritism, and I am tempted to boast of another piece of good fortune at finding that my Chairmanship is, on this occasion as on the last, destined to be illustrated by the presidency of another such Englishman as I have described, Anglo-Indian and Civilian, who has, not yesterday or to-day, but throughout a career rising from the lowest to almost

the highest step of the Civilian ladder, uniformly and consistently realized that he best served the interests of his own country and the great service to which he belonged, by strictly and faithfully adhering to a policy of true righteousness and sympathy. But that is another story which will be presently unfolded at due length, after I have tried, if not tired, your patience for some time longer. I cannot however pass on without congratulating ourselves on the presence of a gentleman, one of the oldest and most respected Members of Parliament, who has for years, quietly and unostentatiously, but none the less nobly and earnestly, raised his voice in the interests of this country. I refer to Mr. Samuel Smith. But in the midst of these manifold congratulations, my vanity is checked by the reflexion that after all, however man may propose, it is God who disposes. We looked forward at one time with enthusiastic anticipations to gaze on the kindly, radiant, and loving countenances of three, perhaps the oldest, patriarchs of the Congress. But the call of duty which never calls him in vain has deprived us of the presence of Mr. Dadabhai Naoroji, and imperative considerations of health have deprived us of the opportunity of seeing once again the beloved and revered Founder of this body, Mr. Hume, and if I may say so, his eldest son, Mr. W. C. Bonnerjee. But absent as they are, we will tell them that their names and deeds are and will for ever be cherished in our hearts with love, veneration and gratitude.

And now, gentlemen, I trust that you will not think that I unduly indulge in the inveterate habit of the people of this 'Kingdom of Bombay' to consider ourselves superior to all the rest of the country when, in view of the active and passive opposition offered in past years in other parts to the measures for accommodating the Congress, I congratulate myself on the fact that the account given by Sir William Hunter in his book on Lord Reay's Administration as to the character of the relations be-

tween Europeans and Indians in this Presidency has been amply borne out by the way in which we have been helped in securing the best sites available in Bombay for our manifold purposes. We have received kindly and generous assistance from officials and non-officials alike in a spirit of broad-minded liberality, justifying Sir William Hunter's observation, that 'the competition of races, although as keen as in any other provinces, is here tempered by common interests, mutual forbearance, and a certain reciprocal respect which impart a moderation to Bombay public opinion and to the Bombay Press in political crises.' The *Pioneer* said the other day that we shall presently denounce the Government that so kindly lent us the Oval as wicked. Let me assure it that we in Bombay, however, use no violent language; and when we have to criticize Government, for even the *Pioneer* will not insist that it is beyond criticism, we will only call it erring and misguided.

But when I complacently congratulate ourselves on securing the best and healthiest sites for this year's Congress, I approach the question of this Pavilion and of the Encampment for your residence with some amount of nervousness. We have been told by some candid friends, or, if they will pardon me for saying so, by some critics who profess to be our friends only to be able to criticize us the more effectively, that we are only spasmodically wasting our energies, that this Congress gathering is only a show and a saturnalia of uncouth oratory, and that we are wantonly and extravagantly throwing away on an evanescent tamasha monies which could be devoted to more solid and useful purposes. Now this criticism strikes me, gentlemen, as very much like the criticism applied by Revenue Officers to the impoverished ryot when they try to explain away agrarian indebtedness by the extravagance of his expenditure on festive and mourning occasions. As a matter of fact, the extravagance of the ordinary ryot on such occasions consists only in a few brass ornaments, a few sweetmeats

and an unlimited amount of tomtom. So is it with us. Our Pavilion is not a gothic temple with marble pillars and tesselated floors; it is a structure of unhewn posts and canvas, decorated with strips of cheap muslin of Congress colours to look gay. We have not housed you in palatial buildings; the canvas camp in which you are lodged has all and more than all the severity of military exigencies in a far campaign. To the amounts thus spent, our kind friends insist upon adding the travelling charges, as if all the delegates would never have during Christmas stirred out of their houses to enjoy the Christmas holidays, even if they were not attending the Congress. But even taking the whole total thus added up, I venture, gentlemen, to say boldly that all this and much more would be well-spent for fulfilling the purpose for which the Congress has been organized, and for achieving the aim and end for which the Congress is constituted. To those who decry the monies spent upon it as monies wasted on a show and a tamasha, I would say that they are no more men of real insight and true imagination than those whom one of the greatest of English poets—Wordsworth—has described with such infinite pity for their incapacity to enter into the true inwardness of things:—

> A primrose by the river brim,
> A yellow primrose is to him,
> And it is nothing more.

But if you realize it clearly and fully, there is no purpose more important, no mission more sacred, than the one that the Congress fulfils in the three short days to which it confines its session. It would be absurd to say that the Congress meets to deliberate on, discuss and decide all the important subjects with which it deals. That task must be and is largely performed in the course of the year by such institutions as we may possess for forming Indian public opinion, in the common intercourse of social life, in local bodies more or less active, in the native Press which is undoubtedly daily growing more and more capable and potent. At the end of the year we

all meet together from different parts of the country, representatives of the people, not selected, it is true, by any authoritative or scientific process, but still representatives in all the various ways in which virtual representation works itself out in the early stages of its progressive development, representatives who are of the people and in immediate touch and contact with them, representatives realizing in themselves the wants, the wishes, the sentiments, the aspirations of the people, representatives whose education has qualified them to ponder over grave questions of policy and principle in their application to the administration and Government of this country in all their complex relations of a foreign rule, representatives into whom education has instilled an earnest, devoted, and enlightened loyalty to the British Crown and a keen solicitude for the safety and permanence of the British Empire in which, they are firmly persuaded lie implanted the roots of the welfare, the prosperity and the good Government of this country, I say, we delegates, representatives of the people, meet together at the end of the year to give voice to the public opinion of the country taking shape and formulating throughout the year, to present our Petition of Rights, our Grand Remonstrance, our appeal and our prayer for a firm and unfaltering grasp of a policy of wisdom and righteousness, for the reversal of retrograde measures inconsistent with such a policy and for the adoption of means steadily ensuring the gradual development of free political progress,

Broadening slowly down from precedent to precedent.

Such an appeal and such a prayer can be most effectively offered at a great gathering like this by the unanimous voice of delegates assembling from all parts of the country. If, gentlemen, we did nothing more than make this solemn petition and this earnest prayer, we shall not have spent our monies in vain, we shall not have laboured for nought.

But we are told that we have done this for long and we have done this in vain. I absolutely dispute both these propositions. Has this Congress really grown old and grey, and has it really effected nothing? I reply that the Congress has not yet attained its majority; I reply that the surest testimony to the value of its achievements direct and indirect, and the force of its influence, is to be found in the very policy of reaction and retrogression which it has from time to time provoked, the tide following each successive ebb of which policy takes us, you may be sure, further and further on the path of progress and emancipation. To estimate this position rightly, let me lay before you the confession of faith of a devout and irreclaimable Congressman like myself. I am an inveterate, I am a robust optimist like my late friend Mahadeo Govind Ranade. I believe in divine guidance through human agency. It may be the fatalism of the East, but is an active, not a passive fatalism, a fatalism which recognizes that the human wheels of the machinery must actively work to fulfil their appointed task. My humility saves me from the despair that seizes more impatient souls like those who have recently preached a gospel of despondency—I always seek hope and consolation in the words of the poet:

> I have not made the world and He that has made it will guide.

I derive patience from the same poet's teaching,

> My faith is large in time, and that which shapes it to some perfect end.

My steadfast loyalty is founded upon this rock of hope and patience. Seeking the will of Providenee, like Oliver Cromwell, in dispensations rather than revelations, seeing God's will like him in fulfilment of events. I accept British rule, as Ranade did, as a dispensation so wonderful, a little island set at one end of the world establishing itself in a far continent as different as could be, that it would be folly not to accept it as a declaration of God's will. But, as I have often said, when, in the inscrutable dispensation of Providence this country was

assigned to the care of England, the choice was offered to her as to Israel of old: 'Behold I have placed before you a blessing and a curse; a blessing if ye will obey the Commandments of the Lord your God; a curse if ye will not obey the Commandments of the Lord your God, but go after other gods whom ye have not known.' The possession of India would be a blessing to England if administered in the spirit of righteousness; a curse if in the seductive spirit of worldliness. We cordially confess that in the main England has chosen wisely and well. The great and far-seeing statesmen who presided at the consolidation of British rule in India proclaimed that the declared policy of the Crown in India should be one of righteousness, and they firmly and unequivocally announced it by the voice of the great and good Queen who then wore the Crown. But the acceptance and announcement of a policy of righteousness is one thing, its application another. The adhesion to such a policy is not determined in a day; it is not established without a long struggle between the forces of righteousness and those of worldliness, like unto the struggle between Hormazd and Ahriman. Even the chosen people of the Hebrew God continually relapsed, in spite of solemn covenants, into the worship of the gods of idolatry. Therefore it is that, while the oscillations and vicissitudes of the struggle go on, the hope expressed by the Viceroy in his reply to the address of the Bombay Corporation and echoed by Lord Ampthill before the Madras Corporation, that there may be no two parties about England in India is premature and practically futile. Such a hope is unreasonable and impracticable, while the pledges about equality of the Great Proclamation of 1858 are kept in the letter and broken in the spirit, while the distinctions of race, colour and creed abolished by our Magna Charta are reintroduced under the plausible guise of being distinctions based on the distinctive merits and qualifications inherent in race, while the burdens of Imperial Empire, which should be borne

by the Empire including the Colonies, are disproportionately and heavily thrown on Indian finances, while attempt after attempt is made to pass on to the Indian Exchequer military expenditure supposed to be necessitated by the vulnerable position of India but really designed to meet supposed imperialistic exigencies, while the Indian subjects of his Majesty are allowed to be deprived of their rights of equal citizenship in the undisguised interests of the white races against the dark in a way which responsible Ministers of the Crown gravely declared furnished a just cause of war against the Boers, while the economic relations between the two countries are adjusted more in the interests of the predominant than of the impotent partner, while the development of the industries of the country is neglected or hampered for fear of competition with English industries, while the 'consuming love' for India in the breasts of the rulers has more the colour and character of affection towards a foster-child or a step-son than the equal and engrossing love for a natural son, while the results of a really *bona fide* and laborious Commission like the Public Service Commission, imperfect as they were, are attempted to be set aside and restricted by autocratic action, while the percentages of the admission of natives into the public service are estimated not by the only true test of comparison with the promises made and rights established after public enquiry and deliberate action, but by the increases and decreases with those of years long previous to such pledges and promises totally ignoring the recognition of subsequent years of 'the just claims of the natives of India to higher and more extensive employment in the public service' as stated in the Resolution of the Government of India appointing the Public Service Commission, while the people are being emasculated by the wholesale operation of the Arms Act to the future detriment of the interest of both England and India, while the small modicum of independence possessed by the Indian Universities is

ruthlessly annihilated, and the Universities turned substantially into departments of Government, so that the breeding of the discontented B. A., 'that distinct political danger,' may be stopped or limited, and while—but it is not needful to go on any further. We thus see that the hope of there being no two parties about England in India is not founded in the realities of the situation. It is another form of the same advice that has been also recently showered upon us by Viceroys and Lieutenant-Governors that there should be no political agitation in this country. I wish to speak with all respect for these disinterested advisers; but I cannot help comparing them to that delightful 'Poor Man's Friend', Sir John Bowley, so admirably depicted by Dickens:—'Your only business, my good fellow, is with me. You needn't trouble yourself to think about anything. I will think for you; I know what is good for you; I am your perpetual Parent. Such is the dispensation of an all-wise Providence. * * * What man can do, I do. I do my duty as the Poor Man's Friend and Father; and I endeavour to educate his mind, by inculcating on all occasions the one great lesson which that class requires, that is, entire dependence on myself. They have no business whatever with themselves.' I venture to say that to accept this advice would be equally demoralizing to the rulers and the ruled. It ignores all the laws of human progress, it ignores the workings of human nature, it ignores environment and surroundings. We may be as well told to cease to breathe, to think, or to feel. Political agitation there will always be. The only question is whether we should suppress and bottle up our feelings and hopes and aspirations and our grievances in the innermost recesses of our own hearts, in the secret conclaves of our own brethren, or deal with them in the free light of open day. The former course would be preferred by the prophets of despair. We, gentlemen, prefer the latter, because we have faith in the ultimate wisdom, beneficence, and

righteousness of the English people. Curiously enough, gentlemen, this advice to cease political agitation found an echo, where one would have least expected it, in a corner of Bengal. To our astonishment, we were one day treated to a homily at a Provincial Conference in that Presidency on the thesis that subject races could have no politics. We were exhorted to abandon them in favour of industrial and scientific organizations. I trust, gentlemen, I will not be taken to undervalue the good work done in establishing the Association for the Advancement of Industrial and Scientific Education ; it is already doing excellent work in conferring various industrial and technical scholarships of Rs. 100 and more. But I may be allowed to say that when I read the reports of the public meeting at which the Association was inaugurated, I could not help wondering whether our European friends who were actively supporting the movement were doing so with the hope of weaning our Bengali brethren from the bad habit to which they are supposed to be specially addicted of excessive political agitation, or whether our Bengali friends were endeavouring to coax their European friends to help them by specious professions of giving up their favourite vice and turning out reformed characters. I will abstain, however, from attributing motives as we are now perpetually advised to do by those who preach but never practise the virtue. It is needless to seriously controvert the thesis advanced by these Bengali friends, utterly unhistoric and unmanly as it is. If they will pardon me, I will only tell them how I regard them. They seem to me to be the Esaus of Bengal ready to sell their birth-right for a mess of pottage. However fragrant and nourishing that pottage may be represented to be, we will not sell our birth-right for it. But I am sure that there is no difficulty in retaining both the one and the other, the birth-right as well as the pottage.

But, gentlemen, let us go back to the pendulum which we have left to oscillate between righteousness and

worldliness for too long a time, and see how far the Congress has worked in propelling it in the right direction. Never had the pendulum oscillated so violently as in Lord Lytton's time. The policy of righteousness was openly scouted. It was declared that having won India by breaking all the Ten Commandments, it was too late to govern it on the principles of the Sermon on the Mount. The country was thrown into a state of doubt and perplexity, of alarm and uneasiness. From this unfortunate position it was rescued by the advent of Lord Ripon. In him we get back the true old English statesman, wise in his noble generosity and far-sighted in his righteousness. Englishmen will never know the true value of Lord Ripon's services to British rule. He added buttresses of enduring strength to the citadel of our loyalty. It is to him we owe that in the darkest days of gloom and reaction we always confidently look forward to rays of light and hope. Except perhaps the great measure of local self-government, and that of the Bengal Tenancy Act, which was intensely unpopular with the Zamindars of Bengal, he conferred no impossible boons or charters on us. He did not tell us, as the present Viceroy did in his last Budget speech, that 'I do not think that the salvation of India is to be sought in the field of politics at the present stage of her development, and it is not my conception of statesmanship to earn a cheap applause by offering so-called boons for which the country is not ready and for which my successors and not I would have to pay the price.' Neither was it Lord Ripon's conception of statesmanship nor did he confer any boons for which the country was not ripe. But again to use the words of the self-same speech, he heartily and genuinely sympathised, with the real and progressive sympathy of true Liberalism as Mr. Morley recently defined it in America, and not with the narrow prejudice of Conservative fear and mistrust of all progress and liberty, 'with the aspirations of the Indians towards greater national unity and with their desire to play a part in the public life of the country.' As these twofold sentiments are enunciated in

the Budget speech, there is confusion, instead of correlation between them. Why is the salvation of India not to be sought, at least partially, on the field of politics at all times, now and hereafter, if official sympathy with Indian aspirations and desires to play a part in the public life of this country, is deep and genuine? How can these aspirations and desires be even gradually achieved, unless we are allowed to play at all times a modest and temperate part on the field of politics? And I venture to say it is unfair and unjust to charge us with desiring to play any but a most modest and temperate part on the field of politics, and to warn us off altogether from it. How easily we are satisfied, when we are assured of sympathetic and righteous treatment by a frank and convinced acceptance of the principles of policy underlying the pledges and promises given to us, is shown by the fact that little as he actually did for us, Lord Ripon's name and fame are reverently and imperishably cherished in the hearts of the millions of this country. The establishment of the Congress was almost synchronous with the departure of Lord Ripon from this country. Ever since then, we have been endeavouring to formulate and place before Government measures upon which the country has come almost to an unanimous opinion as needed for the purpose of redressing grievances as well as promoting the legitimate welfare and progress of the people. It is a task which we undertook under a strong sense of duty. If as the Viceroy eloquently said in his last Budget speech, 'the country and its educated classes were making a steady advance on the path of intellectual and moral progress,' it would have been a grave dereliction of duty if they had not come forward on the field of politics and, as I now repeat, what I repeated before, if they had not devoted their new culture and their energy to the task, not of supplanting their rulers, but of supplementing the endeavours of the best and most sagacious among them by proposing modifications and developments based on their peculiar, intuitive, and native knowledge and information, and suggest-

ed in gratitude and loyalty by that enlightenment and education which we freely admit has been one of the most precious gifts bestowed upon us by British rule. A wise and prudent statesman would so encourage us in performing this task by kindly sympathy and advice as to compel us, so to say, to perform it with anxious care and moderation. To me it seems a grave political blunder to engender bitterness and excess by treating the Congress with dislike and resentment. It is for this reason that I deplore the attitude of our English friends towards the Congress. They have failed to understand the somewhat curious phenomenon, which they have recently observed, of some of our co-workers condemning the Congress for its disappointing inutility, and they have exultingly pointed out that this condemnation has proceeded from what has been considered the extreme wing of the Congress, and they have received their denunciations of us with cheers. But let our rulers try to realize that the men whom they cheer do not possibly desire to abandon altogether the field of politics, but may in time be carried away vainly to imagine that the failure of constitutional methods like those of the Congress were an argument to substitute others not so strictly temperate. However that may be, I repeat now, as before, that we of the Congress have always steadily and firmly conceived our mission to be imposed by duty, sanctified by patriotism and guided by loyalty, unswayed by the resentment of our rulers, or by the despairing counsels of the pessimists among ourselves. Therefore it is that our mission has been blest and our labours have not been in vain. I thus come back to relate the record of the achievements of the Congress. I can do so briefly, as it has been excellently summarized in the last number of *India*, a paper whose valuable services to our cause have not, I am afraid, been so fully appreciated as they have deserved, showing how imperfect are we ourselves, —a good thing to remember, especially when we are engaged in criticizing others. Our earliest efforts were

directed towards securing a platform from which we could authoritatively expound our views, and they bore fruit in 1892 in the passing of the Indian Councils Act for enlarging and expanding the Councils, and substantially and practically introducing the principle of election in the appointment of their members. The voice of the Congress was potent in obtaining the Commission for enquiring into Indian Expenditure. Our demand for Simultaneous Examinations for the Indian Civil Service was so far successful that Mr. Paul's motion in favour of it was accepted by the House of Commons. The strenuous opposition to reduce the motion into practice offered by the Indian Government has hitherto prevailed. We had however obtained the Public Service Commission whose recommendations, though not going far enough as we desired, and further throttled by the Government of India, still laid down principles, from which, alas, it is now attempted to retreat by autocratic action without any new public enquiry or deliberation. We have also urgently pressed upon the attention of Government, perhaps the most far-reaching and anxious problem of Indian administration, the economic problem of the poverty of the people and its concomitant agrarian indebtedness; and though Government fight shy of the only true remedies, it is still a hopeful sign to see them labouring to discover less unpalatable solutions of the problem. Following upon the half-hearted trial of agricultural banks long suggested by us, we may still induce them to grant the enquiry so influentially recommended by the Indian Famine Union. Very early in our history we proved so conclusively the essential desirability in the interests of sound and just administration of the separation of judicial and executive functions that a statesman like Lord Dufferin felt constrained to admit it to be a counsel of perfection and we have so far succeeded that now it is only on the score of expense that the change is ostensibly shelved, the real reason being the strong disinclination of District

Officers to part with power once enjoyed, as if Revenue Officers did not possess power enough and to spare, with stringent Land Revenue Codes and the jealous exclusion of the jurisdiction of Civil Courts in revenue matters. One of the earliest subjects which engaged the attention of the Congress was the urgent need of a thorough reform and reorganization of the Police Force. The forecast of the Report of the Police Commission published in England has ultimately borne out the national view of the character of the force against the official view which continued to insist that the aspersions to which the police was popularly subjected were largely unjust and undeserved. In this connexion I may be permitted to say one word as to the bureaucratic policy now in vogue with regard to the reports of and evidence taken by so-called Commissions. Formerly the reports and evidence were immediately issued to give time for public discussion and criticism before Government proceeded to deal with them. At St. Andrew's Dinner at Calcutta the other day, Sir Andrew Fraser vindicated the new policy not only with regard to the report of the Police Commission, but with regard also to other important subjects engaging the attention of Government stating as an axiomatic truth that no statement could be properly made in regard to them till the decision of the Secretary of State for India was received. It seems to benighted non-officials like us that this course is an exaggeration of the demoralized attitude of a secret and irresponsible bureaucracy as Sir C. Dilke called it. The Secretary of State in this way arrives at a decision under the inspiration of the Government of India without the benefit of open and public discussion. And we know how hopeless it is to expect any modification of the decrees issued by the Secretary of State from subsequent discussion and criticism. Indeed in such cases we are gravely told that it would be sacrilegious to touch with profane hands the tablets sent down from Mount Sinai. The mischief thus done is so incalculable, that I would fain take the liberty to ask the bureaucrats

of our Indian Administration to ponder on the observations of one of the ablest and keenest of political thinkers —Mr. Walter Bagehot: 'Not only' says he, 'does a bureaucracy tend to under-government in point of quality; it tends to over-government in point of quantity. The trained official hates the rude, untrained public. He thinks they are stupid, ignorant, reckless—that they cannot tell their own interest. A bureaucracy is sure to think that its duty is to augment official power, official business, or official numbers rather than leave free the energies of mankind; it over-does the quantity of government as well as impairs its quality.' These words were spoken of bureaucracy in civilized European countries. They apply with ten-fold force in this country with its Official Secrets Act, which it is a mistake to suppose is inert while it does not explode in public prosecutions. The Act puts a premium on corruption, on the one hand, and on the other it surely and inevitably deteriorates and demoralizes irresponsible officials working in the dark. To resume our narrative of the achievements of the Congress. We were the first, in spite of spurious claims to the honour, to draw attention in view of the poverty of the agricultural masses to the need of technical and industrial education, and forced it in many practical ways on the attention of the people as well as Government. In this connexion, I trust that the scheme of an Institute of Research may not be allowed to fail on account of the death of Mr. Tata, a death the whole country deplores, but may soon become an accomplished fact, a magnificent monument of the patriotism and munificence of its author. We have also pressed upon Government the great cause of temperance. We advocated from the first a reduction in the oppressive burden of the Salt-tax and the raising of the assessable minimum of the Income-tax, both which reforms have been recently carried out. I think I need not proceed further with my enumeration. It is an honourable record. It is a record which leaves no room for disappointment or despair. But further, as is

again well pointed out in *India*, what is particularly apt to be over-looked is that 'we are by no means sure but the greatest work of all is its negative work, where the results do not appear in any particular reform or political change.' And I may well repeat here, to cheer our hearts and brace our energies, the beautiful lines quoted by Mr. Hume in his letter to us published in *India*,

> For while the tired waves, vainly breaking,
> Seemed here no painful inch to gain,
> Far back, through creeks and inlets making,
> Comes silent, flooding in, the main.

Laden with these gains, the Congress comes back to 'its own native land.' I well remember the day when we launched it anxiously, but hopefully, 19 years ago. When it came back to us in 1889, a babe only five years old, it had already broadened and strengthened wonderfully. It again comes back to us fifteen years after, a handsome lad on the point of attaining his majority. It has not escaped some jealousy and rivalry. Other children who we are assured were pretty and handsome have been pressed upon us as deserving our love and affection. Well, gentlemen, our hearts are large and our minds are broad, and what we have done is that we have incontinently adopted them all. One, you will see in this very pandal, a gentle and solemn little lady in a grave gathering assembling immediately after us. Another you will see, robust and vigorous, decorated with jewels and ornaments wrought in this very country, on the Oval yonder. But gentlemen, our affections remain unchanged from our eldest-born, and we refuse to deprive him of his rights of primogeniture.

I think, gentlemen, I have said enough to show that we have met here together from all parts of the country to pursue a noble mission, hallowed to us from a sense of duty, of patriotism, and of loyalty, all welded together by the principles of justice and righteousness which, after all is said and done, we gratefully recognize as the dominant principles of English rule in this country. We truly and earnestly respond to the words in which

Lord Curzon adjured us the other day on his landing—'I pray, I pray the Native community in India, to believe in the good faith, in the high honour, and in the upright purpose of my countrymen.' Gentlemen, it is because we do sincerely believe in that good faith, in that high honour and that upright purpose, that we meet here in the open light of day to appeal to their noble and righteous impulses, by all lawful and constitutional means, so to discharge the sacred trust reposed in them by Providence, that it may redound to the glory and greatness of both countries. But I must be pardoned for saying that when we respond to this prayer, we do not respond to it in the slavish spirit in which the great Earl of Strafford exhorted the people of England to obey the King: 'Let them attend upon his will with confidence in his justice, belief in his wisdom, and assurance in his parental affections.' We respond to it rather in the spirit of an ideal sketched—I will take an extremely modern instance—by a highly placed Anglo-Indian Civil Servant whom—though you will be perhaps surprised to hear it—I venture to describe as a Congresswallah in disguise, as eloquent and as far-reaching as some of our own elders, say, Surendranath Banerjea or Lalmohan Ghose. I refer to Sir William Lee-Warner. In an address delivered by him at the Elphinstone College Union, Sir William Lee-Warner eloquently depicted the ideal towards which British rule in India was tending:—'It is no narrow principle of a paternal Government or a rule for the benefit of the ruler which sent forth the Roman with his poet's sailing orders,

Tu regere imperio populos Romane memento,

or which fostered differences as aiding the central authority, *Divide et impera.* Its aim is less to govern than to call forth the progressive capacity and to teach self-government. It desires to lift up the lower ranks of society and the subject to the pedestal of the rule. "Humanity", and "Heaven's light our guide" are its watchwords, and they are embodied in your *Magna Charta,* the

Queen's Proclamation, issued by the ruler whose authority had just been defied and restored by the sword. * * There are three supreme ideas of mankind, the family, the nation and humanity. The Hindu and the Greek ruler thought of the first, the Roman empire of the second; but the British nation accepts the last and highest as its ruling idea. * * I venture to point out to you that from God's nature the British nation has learnt the grand idea of humanity, and that the legislation and administration of India under the Queen bears testimony to her Majesty's desire to recognize a progressive future as before all those committed to her care. The protection of the weak, equality in the eye of the law, justice, and a common participation in the benefits, and when the time comes, in the task of good government are at least the aims which the British Government sets before it.'

It is in the active spirit of this ideal that we respond, and respond cordially, to Lord Curzon's prayer to believe in the good faith, in the high honour, and in the upright purpose of his countrymen. May we pray in return that when we ask to be allowed to co-operate in this noble task, Lord Curzon and his countrymen will believe that we too of the Congress are inspired by duty, patriotism and loyalty.

I again tender to you my warmest welcome—a welcome mixed of gratitude for the past and high hope for the future, with Patience and Perseverance for our motto. Let us take to our hearts the homely but noble words of Longfellow:

> Let us then be up and doing,
> With a heart for any fate,
> Still achieving, still pursuing,
> Learn to labour and to wait.

—(Loud and long continued cheers.)

APPENDIX A.

[*From "Eminent Indians on Indian Politics," edited by Mr. C. L. Parekh, 1892.*]

PHEROZESHAH M. MEHTA, ESQ., M.A., BARRISTER-AT-LAW.

"To fight
In a just cause, for our country's glory,
Is the best office of the best men."—*Havard, Regulus.*

In that radiant group of stars which for years past is illumining the political and intellectual horizon of Western India, none, perhaps, shines with such fixed lustre as Mr. Pherozeshah M. Mehta. As the first brilliant Elphinstonian of the second generation after Mr. Dadabhai Naoroji, as the first distinguished Parsi Master of Arts of the local University, and as the first Parsi Barrister of great forensic talents whose 'future eminence' was prophetically foretold by the late lamented Mr. Anstey, of English and Indian renown, he had by the end of the seventies made himself a sufficiently prominent figure in the public life of Bombay. But the active and leading part he took in the affairs of the city at the very commencement of the eighties, and the patriotism, tempered by sobriety of judgment and discretion, displayed by him, along with his equally distinguished collaborateurs, the Hon'ble Mr. Justice Telang, C.I.E., and Mr. Badruddin Tyabji—during the eventful period which gloriously signalised the sympathetic Viceroyalty of the beloved Marquis of Ripon—these achieved for him even greater prominence, which has not been a little enhanced during the last seven years by his enlightened and disinterested labours, though for a brief period of two years, as a non-official member of the Legislative Council during the statesmanlike administration of Lord Reay, and his staunch and fearless advocacy, as the leading native representative of the city's interests, of the rights, privileges and liberties of Local Self-Government, whenever threatened by the Provincial Executive.

As in the case of Mr. Dadabhai Naoroji, so in that of Mr. Mehta, it is hardly possible, within the limited space, to do justice to the many important incidents of his life. At the best we can only briefly allude to these. Mr. Pherozeshah was born on 4th August 1845, at Bombay. His father was a successful merchant, a partner in the firm of Messrs. Cama and Co., who had bound up his fortunes with Calcutta at an early age. A gentleman of remarkably good common sense, shrewdness, and sagacity, he had even in his own heyday fairly understood the boon of a sound commercial education. Mr. Mehta, the

elder, was therefore known for his literary activity as the author of a comprehensive geography and history which was eagerly studied by the young Parsi scholars of his day. Mr. Pherozeshah's school career was rapid, and he passed his matriculation examination in 1861, graduated as a B.A. of the University in 1864, and passed with honours his M.A. examination six months later, being also nominated a Fellow of the College. Sir Alexander Grant, Principal of the Elphinstone College, was highly impressed with the talents of the young collegian from the very day of his entrance into the college, an impression which Mr. Pherozeshah's brilliant course and uninterrupted academic career successfully confirmed. So that Sir Alexander Grant was fully justified in recommending him for the travelling fellowship which the late Mr. Rustomji Jamsetji Jeejeebhoy had then instituted. Mr. Mehta's father, however, was against his son's availing himself of what he supposed was eleemosynary education. Sir Alexander ardently wished that the first Parsi M.A. should also be the first Parsi barrister from Lincoln's Inn. He took a natural pride in encouraging him to enter the liberal profession of the lawyer. Master of persuasion and sweet oratory as he was, he soon prevailed upon Mr. Mehta, the elder, and convinced him that his son's availing himself of the liberality of the philanthropic citizen would only reflect the highest honour on himself and his community. So Mr. Pherozeshah soon after set sail for England to study for the bar, though ultimately he did not avail himself of the endowment. And here his academical career may be properly said to have ended.

The three years of hard and persevering study of the law soon brought its reward. Mr. Mehta was called to the bar in 1868, though not without having made himself useful in London, with Mr. Dadabhai Naoroji for his *guru*. He heartily co-operated with him, along with Mr. W. C. Bonnerjee, the well-known Barrister of Calcutta, and the President of the First Indian National Congress, in establishing the London Literary Society, which after a short time was superseded by the East India Association. During his sojourn in England, Mr. Mehta read before that Society an interesting paper on Education in India which, considering the age at which it was written, may be said to be a credit to his nascent talents. It may still be read with profit.

Having been called to the bar, it was a curious but most happy coincidence, his return to Bombay, 'fresh from the atmosphere of Lincoln's Inn,' on the same afternoon which witnessed in the hall of the Framji Cowasji Institute the interesting ceremony of presentation of a farewell address to Sir Alexander Grant on his election as Principal of the Edinburgh University—a coveted academic post which he had unsuccessfully competed for ten years earlier. So eager was the grateful young barrister to take part in the proceedings that no sooner had he come to shore and heard of them than he repaired to the

interesting gathering to bid him a hearty farewell. Thus parted Principal and scholar, the great Oxford coach and profound Aristotelian scholar and the brilliant Fellow and young lawyer, never to meet again.

It may not be generally known that the very first public event in which Mr. Mehta considerably interested himself, though most unobtrusively, was the movement set on foot in 1869 to present Mr. Dadabhai Naoroji with a handsome purse in recognition of the many valuable services rendered by him to the public for nearly a quarter of a century. The principal credit of initiating the movement belongs to Mr. Pherozeshah, who succeeded in getting (the 2nd) Sir Jamsetjee Jeejeebhoy, and all the other leading and opulent natives to join in it. It redounds highly to his credit that, impelled by honourable and patriotic sentiments as well as by his high respect for him, the young citizen and lawyer, who had yet to build his reputation, should have been one of the very first to cause the sterling worth of Mr. Dadabhai Naoroji to be recognised and appreciated by the leading citizens of Bombay.

Two years later occurred a remarkable event in the annals of the Municipality, the boon of which was five years before granted to the citizens of Bombay by the enlightened statesmanship of the distinguished Sir Bartle Frere. The financial ability of its first and most brilliant Municipal Commissioner was not equal to his administrative genius. Fired by the example of M. Haussmann, Mr. Arthur Crawford was consumed with the ambition to convert the City of Bombay into a second Paris. Not only did he aspire to clear the town of the accumulated filth of half a century, to bring down its death-rate to 17 per thousand, to construct new roads and bridges, to build footpaths, to widen streets, and to erect fountains and gardens, construct markets and drains, but to give a perennial water supply to the increasing population, and haussmannize Bombay. Fired by this civic ambition, that *facile princeps* of ædiles cared not to look either to the right or to the left, to the pockets of the rate-paying constituency or to the condition of his own Municipal treasure chest. Disregarding the warning voice of his masters, economic members of the Municipality, H. M.'s Worshipful Bench of Justices, he went headlong in his career of financial extravagance,—cleansing and beautifying the city, but burying her at the same time under the load of a heavy debt. The crisis came at last and the ædile was overwhelmed by the deafening cries all round of Retrenchment and Reform. Those cries reached the ears of Government, till at last public indignation was appeased by his precipitate abandonment of his post. The rest is a matter of history. Many were the angry denunciations hurled against him. Many were the unfavourable criticisms pronounced on his financial extravagance. In the very midst of the crisis Mr. Mehta read a paper on the Municipal reform question in the F. C. Institute, in which he tried to indicate

the lines on which the reform should proceed. He pointed out the mischief of such an executive Town Council as the leading reformers were advocating, and suggested an elected Corporation, a Standing Committee, and an Executive Commissioner. And these were the lines on which the first Municipal Act of 1872 was ultimately framed. His chief contention, based on the memorable observations of the late John Stuart Mill in his *Representative Government*, was that the executive power should be solely trusted to a single individual on whom would rest the entire responsibility of the administration. Vesting it in the hands of many simply whittled away such responsibility. In short, a divided responsibility was worse than no responsibility at all. But the passion, the prejudice, and also the ignorance of those assembled at the meeting, were so great and over-powering that Mr. Mehta's voice was stifled. He was met with execrations for this statesmanlike speech. He was considered an ardent partisan of the exploded regime, though, like the impartial critic that he was, he endeavoured his best to differentiate between the permanent good rendered to the city by Mr. Crawford and his inexcusable financial lapses. In the hall of that Institute Mr. Mehta first realised the power of mobocracy which he has never since tried to forget. He left the hall with some of his friends who shared his views. But to this important event in his early public life may be fairly ascribed that ardent interest which we see him displaying since, on all questions affecting the best interests of Local Self-Government, specially those which affect its constitution. By the light of the experience of the twenty years that have rolled by since, it cannot, however, but be transparent even to the most prejudiced, that the principle for which he fought so fearlessly and valiantly, amidst a storm of execration and indignation, is the principle acknowledged and admitted as correct, and as such carried out in practice. If in 1870-1, the opportunity was thus afforded to him to make his mark as a public-spirited citizen, battling against the forces of passion and prejudice, and trying to dispel ignorance on a vital point affecting civic management, the well-known Tower of Silence Riot case, in 1872-73, enabled him to make his mark as a lawyer battling against the forces of lawlessness and disorder and the insolence of high-handed authority. So remarkably well did he conduct the defence as junior counsel with the late Mr. Anstey that that distinguished barrister, so chary of praise, handsomely complimented him in the open Court on his legal ability, stating that he was a lawyer in whom lay 'the germs of future eminence.' Mr. Mehta's forensic ability began to be discerned at that early stage in his professional career. He established his reputation in the mofussil in the celebrated Surat Riots Case, from which date forward his practice up-country has been unusually large. He came into great request,

specially as more or less he was lucky and achieved success, whether acting as counsel for the prosecution or the defence. It is needless to say that the same luck still accompanies him, now that he is a senior counsel with twenty-four years of wide practice. The Native States of Kathiawar, small and great, equally value his abilities as a lawyer. There is not a month in which his services are not put into requisition. No counsel has, we believe, been appealed to more for preparing important state memorials on behalf of these States than the subject of this biography—such are the ability and care with which he is known to marshal his facts and argue out his case. A very early specimen of such memorial writing may be traced in the petition which the Parsee community read and adopted at their public meeting to protest against the conduct of the police in connection with the deplorable Mahomedan riot of 1874. The original draft, it is no secret, was prepared by Mr. Maclean, former editor and proprietor of the *Bombay Gazette*, but it was ably revised and settled by Mr. Mehta. In the celebrated Wilson case of Cambay fame the *Bombay Gazette* said :—'Something, too, must be said for the ability and judgment shown by the counsel engaged. Mr. Inverarity showed zeal and industry in conducting a defence which claimed his best qualities as an advocate. Mr. Mehta carried off something more than the honours of winning counsel, and his speech in replying upon the whole case was an admirable example of close reasoning and judicious pleading, as much to be commended for the tact and reticence as for the skill with which he put the case before the Court.'

But while Mr. Mehta was rising in the practice of his profession, he was displaying no mean activity in public affairs. The training and experience acquired at the reformed Municipal Corporation, between 1872 and 1880, have been of invaluable service to him. During that period he cordially co-operated on many important matters, though sometimes differing from them, with the late Messrs. Nowrozjee Furdoonjee and V. N. Mandlik, two distinguished citizens, to whom the City of Bombay is greatly indebted, along with Mr. Sorabji S. Bengali, for the reform that was introduced soon after the Municipal revolution of 1870.

The training received during the previous decade in the Municipal school enabled Mr. Mehta to distinguish himself at the Municipal Corporation during the stormy debates on what is known as the Malabar Hill Reservoir Scandal. The history of that miserable engineering failure, which reflected no credit on those who were responsible for the construction of that reservoir, is too well known to require any mention here. Suffice it to say, that despite the fierce and 'angry billows' which threatened to drown Mr. Mehta, his heroic resistance succeeded not only in repelling the breakers, but completely laying low

the elementts which had strenuously attempted to shield municipal folly, municipal extravagance, and municipal incompetency. He was most prominent in unmasking the affair in its true nakedness. Virtually, the resolution which purported to record a vote of want of confidence in those concerned, though thrown out by a majority of one, was a scathing condemnation of the entire system of administration as carried on in the Engineering department. This important and historical incident may be said to have shewn to the fullest the powers of debate, sarcasm, ridicule, and of impassioned oratory which Mr. Mehta is capable of—powers and oratory which have since acquired greater force, but used with remarkable moderation and judgment. It is these elements which have acquired for him the reputation of being the virtual leader of the Corporation. Many have been the important subjects which since 1880 have come to the front in the halls of the Civic Fathers—from the Imperial Resolution of 1882 on Local Self-Government to the question of the liability of the Provincial Government with regard to primary education, not forgetting the arbitrary mandates regarding the maintenance of hospitals for infectious diseases and the iniquities of the police charges. Each and every one of these broad constitutional questions have shown how invaluable have been Mr. Mehta's services to the City. In short, no member of the Corporation, it may be said without fear of contradiction, has fought so ably, with such a mastery of facts, with such dialectic powers, and forensic eloquence, as he on all questions affecting Municipal independence and Municipal freedom. In 1884 he was elected Chairman of the Corporation, and was again re-elected the next year, an unusual honour.* The *Times of India* acknowledged that according to both native and European opinion, he made the best Chairman the Corporation ever had.

In the sphere of Indian politics the services of Mr. P. M. Mehta have not been the less invaluable. In conjunction with Mr. Telang, he founded the Bombay Presidency Association. It is owing to his exertions jointly with those of the Hon'ble Mr. Justice Telang and Mr. Badruddin Tyabji, that Bombay was able to achieve during the troublous days of the Ilbert Bill agitation the reputation of being the most sober in political judgment. Sir Evelyn Baring (now Lord Cromer), on his retirement in 1883, called it the 'centre of politicial activity and sobriety.' The meeting held in the Town Hall to protest against the extravagance and antics of the anti-Ilbertites will remain memorable as long as the Government of British India lasts. It will serve as a great object-lesson in politics for many a generation to come. It will remind posterity how a few of their

* Sir Pherozeshah Mehta has been elected President of the Corporation for the third time this year (1905).—ED.

countrymen, of the highest enlightenment and culture, of great political sagacity and wisdom, rose superior to the passions and blind prejudices of the hour, and by their calm and tempered judgment successfully checked and controlled the surging elements in this city; and how they infused a spirit of tolerance and moderation, when in every part of the wide empire Indians and Anglo-Indians alike allowed themselves to be carried away by a whirlpool of angry recriminations and factions at once calamitous to the very foundations of society.

It was owing to this spirit of moderation, afterwards frankly recognised by all India, that Bombay was unique in its demonstrations to Lord Ripon when bidding farewell to India in December 1884. In no other city save Bombay did Englishmen join with Indians in honouring an English Viceroy who had nobly endeavoured to discharge his duties in the full spirit of the Queen's Proclamation—which enjoins liberty and equality to all classes of her Majesty's subjects, liberty and equality which are unto the Englishmen as the very breath of their lives. Sir James Fergusson was the very first to recognize the spirit in which native Bombay had conducted itself during the agitation, and gracefully and honourably discharged the roll of an unbiassed Governor. We owe these to the political sagacity of the Triumvirate of whom Mr. Mehta was one.

In 1886, the Government of Lord Reay appointed Mr. Mehta a member of the Local Legislative Council, the duties of which, it is needless to observe, he discharged with his accustomed ability. The most important piece of legislation which he had to deal with during his two years' term of office was the new Municipal Bill, now known as the Municipal Act (I) of 1888. The experience of twenty-two years' Municipal Government which deservedly earned for Bombay the sobriquet of "The First City in India," made it imperative, in view of its immense progress in the art of managing its own affairs, that the foundation of Local Self-Government should be made broader and its approaches wider. So impressed was Lord Reay's Government with the desirability of conferring larger privileges, consistent with the declarations laid down in the Imperial Resolution of 1882, that a draft bill was directed to be prepared. Unfortunately, the hands to which this responsible task was entrusted were not careful enough. The draftsman fell short of the liberal requirements demanded by the citizens, chiefly owing to the narrow tendencies of the bureaucracy to which he belonged—a bureaucracy which has not yet taken kindly, it is sad to relate, to view with composure or satisfaction Lord Ripon's scheme of Local Self-Government. It was, however, fortunate that at the time of the passing of the measure there were at the Legislative Council Board Messrs. Mehta and Telang, both of whom had ample practical experience of Municipal administration. Aided and guided by their experience, and warmly supported by the voice of the

independent English and Vernacular press, Lord Reay was persuaded to make it a really liberal measure. The work of revising the draft in the Select Committee, however, fell almost entirely on the two non-official legislators. Many were the difficulties in the way, and many were the anxious and toilsome hours employed in bringing the originally conceived illiberal and narrow measure into harmony with the voice of the public. In this hard work Mr. Mehta and Mr. Telang had the largest share. And though it is a fact that they have not been satisfied with the Act in certain respects, it must be conceded that but for their combined exertions and manly opposition the Act would have been worse than it is. In respect of its constitutional part, it is, however, a vast improvement on the older one of 1872, which it superseded. The duties of the triangular authorities have been carefully marked down, namely, those of the Commissioner, the Standing Committee, and the Corporation. The last is distinctly recognised in the Act as the supreme administrative authority and its powers and control over the Municipal purse are firmly laid down. For the first time, the privilege of appointing its own Chairman has been conceded to the Standing Committee. So, too, that of the election of a Deputy Municipal Commissioner, whenever the Corporation may choose to make the appointment. Again, the number of representatives of the rate-paying element has been increased by the addition of four members. The Municipal franchise has also been granted to the local Chamber of Commerce and the University, who elect from their respective bodies two members each; while the electorate itself has been further widened by the inclusion therein of University Graduates.

As to the Presidency Association, it is needless here to speak of the good work that representative body is doing since its formation. Its annual reports bear ample testimony to the numerous important public topics to which it has drawn the attention of the Local and Imperial Governments and of the Secretary of State for India. Though the Hon'ble Mr. Telang was obliged to resign the Honorary Secretaryship of the Association, which he held jointly with Mr. Mehta and Mr. Wacha, it is satisfactory to note that his place has been well filled up by Mr. N. G. Chandavarkar.

Mr. Mehta has been a staunch supporter of the Indian National Congress from the very day of its birth in Bombay. Like Mr. Dadabhai Naoroji, he had the honour of being elected President of the Sixth Convention, held at Calcutta in the Christmas of 1890. The Presidential address delivered at that sitting will always form a bright page in the annals of the Congress, full of interest as it is, both as a retrospect of the important work rendered by the five Congresses previously held, and as a practical paper on what the 'unconventional convention' should do for its further advancement in the future.

The address was highly appreciated everywhere, and by none more than Messrs. Caine and Schwann, two unbiassed English Members of Parliament who attended the Congress. It is needless to say that high as was Mr. Mehta's reputation as an Indian politician, it was greatly enhanced by the remarkable breadth and liberality of views which characterised the address and the admirable tone of sober statesmanship which pervaded it.

Mr. Mehta's political and municipal activity continue unabated. In the prime of life and full of physical and intellectual vigour, there is yet before him a vast field of greater usefulness. By his fearless advocacy of public interests, imperial and local, great force of character, and sterling ability, he has already made his influence felt in every part of the country. He is a towering personality. He has, like the guinea's stamp, stamped his own individuality on every important public event in which he has had a share. May Providence long spare him to cultivate these public virtues and put them to greater use for the benefit of his countrymen, and may he in the fulness of time leave a name in the annals of this great Empire more enduring than brass or marble.

APPENDIX B.

[*From the "Pioneer" of March 16, 1895.*]

INDIANS OF TO-DAY.

The Hon'ble Mr. Pherozeshah M. Mehta.

The Hon'ble Pherozeshah Merwanji Mehta is one of the ablest and most eminent of the political leaders of Western India, and next to Dadabhai Naoroji he is the most intellectual man amongst his set. Like nine-tenths of the Indian political school he is a lawyer, and his professional income is said to be one of the best earned by any of his countrymen in India. Mr. Pherozeshah Mehta is a thorough-going supporter of the Indian National Congress, and was one of those who launched the first Congress at Bombay, in 1885. He has taken a leading part in all the political movements and agitations of the capital of Western India for the last twenty years, and been a prominent figure at the Corporation, the University and the Legislative Council. He is considered one of the very best of Indian speakers. At the same time he has a practical, business-like turn of mind. He takes a warm interest in the cotton industry of the city of Bombay, and has invested a considerable amount of his fortune in the spinning and weaving mills.

The son of a Parsi merchant who had been in his days an active partner of Messrs. Cama and Co., Mr. Pherozeshah Mehta was born in Bombay on 4th August, 1845. His father had some literary tastes, which found vent in a school history and geography of some merit. Pherozeshah received his early education at an ordinary school, and after passing the Matriculation Examination in 1861, joined the Elphinstone College. He brought himself to the favourable notice of that eminent scholar, Sir Alexander Grant, who was then the Principal of the Elphinstone College, by his diligent application to his studies, and passed the B.A. Examination of the Bombay University in 1864. He became an M.A. of the University in another six months, and Sir A. Grant nominated him a Fellow of the College. Sir A. Grant was also anxious to see that Pherozeshah Mehta should be sent to England to complete his education there. He procured for his favourite Parsi pupil one of the scholarships founded by Rustomji Jamsetji Jeejeebhoy, and spoke to Mr. Mehta's father about consenting to send his son to England. Mr. Mehta was sent to England, though ultimately he did not avail himself of the scholarship. He joined Lincoln's Inn, and was called to the Bar in 1868. While in England, Mr. Pherozeshah Mehta was initiated into politics by Mr. Dadabhai Naoroji, and was induced by the latter to read a paper on Education in India before the London Literary

Society. Mr. Pherozeshah Mehta at once set himself seriously to achieve success in his profession by diligent study and observation.

The Tower of Silence riot cases of 1873 gave him his first conspicuous opportunity to show to what advantage he had learnt the art of cross-examination. The well-known Mr. Anstey, one of the ablest though most eccentric barristers who ever came out to India, appeared as the leading counsel in the case, and remarked that Mr. Pherozeshah Mehta was bound to attain the highest success in his profession. The success of this case laid the foundation of his extensive criminal practice in the Mofussil and his reputation was considerably heightened by the Surat riot cases, which he conducted, too, with great ability. Within ten years of his commencing his practice his services were in great requisition in important and sensational criminal cases in the Mofussil, and made High Court work a secondary consideration, and in this respect his practice almost resembles that of Manomohan Ghose of Calcutta, or the Hon'ble W. M. Colvin of Allahabad. He is now almost always out of Bombay on professional engagements, and there is hardly a big case in Gujarat or Kathiawar in which his services are not engaged. The small States of Kathiawar often engage him, too, on heavy fees, in political matters, and he was not long ago appointed Legal Adviser to the Junagadh State on a salary of Rs. 2,000 a month—an appointment that probably requires as little work for the money as any in India. His conduct of the Cambay case, in which he appeared for the prosecution, extorted admiration even from his adversaries, and the Press gave him every credit for the great tact and ability with which he had managed a case every step of whose proceedings had been reported in the daily papers and read with interest over a wide area.

Mr. Mehta began his public life by taking part in the agitation against Mr. Arthur Crawford's municipal administration of Bombay in 1871-72. He became a member of the Bombay Corporation in 1872, and took a very active interest in its affairs. With the co-operation of Mr. Mandlik, Mr. Sorabji Shapurji Bengali, and Mr. Nowrozjee Furdoonjee, he effected many important reforms in the constitution of the Corporation. For his municipal services he was elected Chairman of the Bombay Corporation in 1884 an honour which was again continued in the following year. As Chairman he had very hard work to do, and public opinion of all sections is unanimous on the point that he made a very efficient Chairman. In politics, too, Mr. Mehta has made a great name. The undoubted powers he possesses as a speaker introduced him early in life to public platforms, and he has been called upon to speak on almost every important political subject of the last quarter of a century. He is one of the founders of the Bombay Presidency Association, and he has been one of the most active spirits in the work of carrying on political agitation in Western India through it. He was appointed a member of the Legislative Council by Lord Reay at a time when the

most important work before the Council was the passing of the Municipal Act, in conformity with Lord Ripon's Local Self-Government scheme. He brought in a string of amendments, and kept up a vigorous fight with the official members with reference to many of its provisions. His views on every subject are in entire accord with those now so fashionable among educated Indians. Always one of the most conspicuous figures in the Congress camp, he was elected its President at the Calcutta sitting in 1890. He is one of the honorary secretaries of the Bombay Presidency Association, standing counsel of the Indian National Congress in Bombay, and he is also a conspicuous figure in the Bombay University.

The Hon'ble Pherozeshah Mehta lives in the most fashionable quarter of Bombay, on the Cumballa Hill. The Back Bay has here a winding course, and as his house is built on an elevation, his windows give him splendid views of a long front of the Arabian sea. His house is one of the best-furnished in Bombay, and one is dazzled with the variety, the brilliance and the costliness of the furniture of his rooms. When at home he takes a regular walk every day, but his habit in this respect is rather peculiar, as he gets out after breakfast at about nine, and returns in an hour's time. He has his chambers in the Fort, where he usually arrives about two, and is available there for business engagements till about four. But he is regularly out of Bombay in out station cases for half the month, and sometimes for even a longer period, and while out, he spends in reading whatever time he can spare from his profession. Now, in his forty-eighth year, he is in full vigour of body and mind—a very handsome man, with a very fair complexion.

APPENDIX C.

[*From "Indian Congressmen" by Mr. G. Paramaswaran Pillai, B.A.*]

Hon'ble Mr. Pherozeshah Mehta.

"That is a man who would serve his country with a spade or pickaxe if he could not serve her in any other way." So said Lord Brougham of the Duke of Wellington once. The same is true of the Hon'ble Mr. Pherozeshah M. Mehta. There is something distinguishing in his very appearance. His figure is strikingly graceful and commanding, his features are high and noble. If found in a crowd and not known, he is one of those men about whom questions will be asked and whispers will be heard. His handsome face beaming with intelligence is set off to advantage by his perfect manners. Amiable to a fault, affable in the extreme, courteous, accessible, Mr. Mehta has the easy graces of a man of the mode. Nursed in the lap of luxury he looks like a prince and carries himself like a prince. But he is also a prince among men. Physically and intellectually endowed, he is a born leader. Early in the sixties in one of the Inns of Court in London, two Indians of striking features, of marked ability, were eating their dinners and delivering speeches. In a few years, they were both in India, one in Bengal and the other in Bombay. Both worked their way up in their profession. Both became eminent and distinguished. Both came to be recognised as men of light and leading. The one was Mr. Bonnerjee; the other was Mr. Mehta. What Mr. Bonnerjee is to Bengal, that Mr. Mehta is to Bombay. Eminent lawyers, trusted leaders, both are honoured, both are esteemed by the people.

Mr. Mehta is a man of brilliant abilities. Eloquent in speech, excelling in debate, he is one of those who could easily persuade his audience to his own belief by the magic of his voice and the charm of his delivery. His eloquence is not of the boisterous order. Drawn to his full height, he speaks with proper emphasis and proper gesture, smiling when he indulges in light banter, frowning when he resorts to declamation and leaving behind always a pleasing impression of his performance. His eloquence is like that of Lord John Russell of which Moore has given us an apt description :—

> An eloquence not like those rills from a height
> Which sparkle and foam and in vapour are o'er :
> But a current that works out its way into light
> Through the filtering recesses of thought and of lore.

But Mr. Mehta is greater as a debater than as an orator. It is then that he is seen at his best. What wine was to Addison, the atmosphere of debate is to Mr. Mehta. Few, very few are the

occasions, when Congressmen have had the opportunity of hearing Mr. Mehta in a debate. I remember well one such occasion. It was at a meeting of the Subjects Committee of the Congress held at Poona. Mr. Surendranath Banerjea was in the chair: and among those present were Mr. Mehta and Mr. Bonnerjee. A discussion arose in which there was a difference of opinion among the Congress leaders. Mr. Surendranath Banerjea rose and spoke with all the warmth and vehemence he could command and when he sat, he sat amidst cheers. Then rose Mr. Mehta and in his pleasantest manner, he analysed Mr. Banerjea's arguments, made some humorous remarks, evoked some laughter, and in a few minutes won over the Committee to his side. Mr. Surendranath Banerjea rose again and animated by the attack, he flew to higher flights of eloquence and wound up with a magnificent peroration which again elicited cheers. Then rose Mr. Bonnerjee and in a simple and forcible speech attacked Mr. Surendranath and turned the tables on him. It was a lively encounter, a heated debate, a first class performance. It was a fight between a lion, a tiger and a bear. There was but one other Congressman whose presence would have made the debate livelier still, who would have thrown more life and light into it and that was Mr. Eardley Norton. And there was but one historic occasion in the annals of the Congress, when this galaxy of Congressmen met and fought one another under the Congress banner. It was at the Bombay Congress which Bradlaugh attended; and they fought in the Subjects Committee over the scheme for the reform of Legislative Councils. That was a rare intellectual treat indeed—Mr. Surendranath's lofty declamation, followed by Mr. Mehta's pungent and pitiless raillery, to be followed again by Mr. Bonnerjee's simple and short shafts of logic, to be wound up by Mr. Norton's piercing, incisive attacks. These doughty champions of the Congress are like the gallant quadrilateral of musketeers in Dumas' story. But it is difficult to say who is the D'Artagnan of the party.

Mr. Mehta has been in the thickest of some fights. He has led some great fights as well as some little fights, and he has won laurels in many a political game. In the Bombay Municipality, he has fought for reform. In the University Senate, he has fought for progress. In the Bombay Legislative Council he has fought against bureaucratic oppression. In the Imperial Legislative Council he has fought against the pretensions of the Civil Service. He is the *doyenne* of the Bombay Municipality. None is a greater authority on Municipal matters and he rules that honourable civic body. Elected again and again unanimously as its representative in the local Legislative Council, he had the singular honour of being re-elected even when he had resigned. In the Bombay Legislative Council, he is the recognised leader of the non-official members and he has broken many a lance

with the ablest of the Governor's Councillors and always come out unscathed. In the Viceregal Council, he has crossed swords with the haughty Sir James Westland and silenced him by his witheringly sarcastic references to the "most distinguished service in the world." Lord Sandhurst has acknowledged him as a skilled debater who would do credit to any representative assembly in the world and Sir Alexander Miller has publicly avowed his admiration for Mr. Mehta's commanding ability. Ready and willing to fight in every good cause, Mr. Mehta has the great tact of directing his attacks in the most agreeable manner possible. His fiercest onslaughts are couched in the softest of language and his opponents scarcely feel their fierceness. His scathing denunciations are dealt out amidst pleasant wordy surroundings. The bitterest of his pills are coated with the sweetest sugar. His words penetrate like arrows, but they pierce the flesh without pain. He never carried a heart-stain away on his blade. There is a pool of honey about his heart which lubricates his speech with fine jets of mead. Mr. Mehta is also a man of culture. His speeches betray his wide range of knowledge derived from the most recent publications. All the same, there is no parade of his knowledge, no show, no exhibition. Genial, generous : cultured, accomplished : impartial to friend and foe alike, charitable by nature : orator, debater, tactician : Municipal Councillor, University Fellow : member of the Bombay Legislative Council, representative of Bombay in the Imperial Legislative Council : Joint Founder of the East India Association, Founder and First Secretary of the Bombay Presidency Association : Companion of the Order of the Indian Empire, Mr. Pherozeshah Mehta is one of the best loved and most loveable of men in all India.

APPENDIX D.

[*From the "Statesman" of March 29, 1895.*]

PUBLIC ENTERTAINMENT TO MR. P. M. MEHTA.

THE native community of Calcutta assembled last night at the Town Hall to entertain the Hon'ble Pherozeshah M. Mehta, and to testify their grateful appreciation of the services he has rendered to the country as a member of the Viceregal Council. All sections of the native community were represented, although many prominent men were unfortunately unable to be present, and sent in expressions of regret for their absence. The hall was tastefully decorated for the occasion, the four pillars, two on each side of the *dais* bearing the words in bold red letters—Unity, Progress, Duty, Reform. On the arrival of the honoured guest he was received at the foot of the staircase by the Committee and conducted to the hall upstairs. After some friendly greetings, Mr. Mehta was conducted by Mr. W. C. Bonnerjee to the *dais*.

Mr. Bonnerjee said that it was his pleasing duty to present Mr. Mehta with an address which had been signed by over 3,500 of the citizens of Calcutta, including Hindus, Mahomedans, Jains, Parsees, and Buddhists, from all parts of the district, such as Howrah, Ramkistopore, Seebpore, Bally, Sodepore, Utterparah, and other places, and, but for the short time in which this demonstration had been got up, the signatures would have been much larger. Mr. Bonnerjee then went on to say that owing to indisposition, the most prominent men were absent, such as Maharaja Sir Narendra Krishna, Maharaja Doorga Churn Law, Maharaja Sir Jotendro Mohun Tagore, Maharaj-Kumar Benoy Krishna, and others, all of whom had expressed sympathy with the movement and regret at their inability to take part in it. The following address was then read :—

To the Hon'ble Pherozeshah M. Mehta, M.A., C.I.E., Barrister-at-law, Additional Member of the Council of his Excellency the Governor-General for making Laws and Regulations, &c., &c., &c.

Sir,—We, the undersigned citizens of Calcutta and its vicinity, beg to approach you, on the eve of your departure from our city, at the conclusion of your arduous labours in the Council, to convey to you our sense of grateful appreciation of the services rendered by you to our common country. The conspicuous success with which not so very long ago, you presided in this city over the deliberations of that great National Institution which, though only founded ten years ago, has brought about a solidarity amongst the peoples, which is destined to play an important part in the history of this country, had led us to

expect great things from you on your election to the Council; and it is a source of great rejoicing to us that our expectations have been amply realized. The zeal and ability, knowledge and tact, loyalty and devotion to truth you brought to bear on the discharge of your duties, have won for you our lasting esteem and admiration. You, Sir, have introduced a truly new spirit—a spirit of fearless independence—into the deliberations of the Council. To those who, nurtured in bureaucratic traditions, have failed to appreciate, because they cannot realize, the changes that are daily taking place amongst us, this spirit may perhaps be distasteful; but it is none the less in perfect harmony with the times. Your efforts to shape the Bills presented to Council so as to make them suitable to the circumstances of the country, have not, it is true, been crowned with that measure of success which they deserved; but you, Sir, laboured in a noble cause, and that at immense personal sacrifice, and your efforts have been fully and heartily appreciated by, and you have the entire sympathy and cordial approval of, a very large body of your countrymen throughout British India. It is unfortunate that representative institutions in the true sense of the word, have not been introduced into this country. If they had been, and you had solicited the suffrages of any constituency in the country for election, we feel assured that, however strong or influential the opposition, you would be triumphantly returned, again and again, at the head of the poll, to serve your country's cause in the Council chamber. Sir, in respectfully bidding you adieu, we pray that a Merciful Providence may grant you health, happiness, and prosperity, so that you may long continue to serve the country as usefully in the future as you have done in the past.

Mr. Mehta replied in an eloquent speech, and said among other things that it was idle for him to deny how gratified he was at the demonstration of approval for the manner in which he had discharged his duties in the public function he had come here to perform, and for the approbation they had pleased to accord him. It had been most gratifying to him that the Indian members of the Council had felt and recognised that they were meeting in a common organisation in response to a common national feeling. A new spirit had indeed been introduced into the Council, but not by him. It was due to the reform of the Council, and he hoped this new spirit would be recognised by the rulers wisely and sympathisingly in the cause of useful progress. Referring to the misrepresentations which were frequently made, Mr. Mehta went on to say that their Anglo-Indian friends must make up their minds to reap as they sow. He, and those who supported him, must perform their own duty if they would be true to themselves unmindful of any differences in caste or creed, knowing that they belonged to the same land. The speaker concluded by expressing the great satisfaction he felt with the address which had been so

generously and kindly presented to him by his oldest friend, Mr. Bonnerjee. He took it as a memento of their kindliness of feeling and he thanked them most heartily for their kindness.

The address was presented in a handsome silver casket.

Three hearty cheers were given for Mr. Mehta and the assembly gradually dispersed. Light refreshments were provided and the town band played a selection of music at intervals.

APPENDIX E.

[*From the "Statesman" of March 29, 1895.*]

THE DINNER TO MR. P. M. MEHTA.

THE following is a full report of the speech of the Chairman (Mr. Manomohun Ghose), at the dinner in the Town Hall on Tuesday evening :—

Gentlemen,— It now devolves upon me to discharge that pleasant duty with the performance of which you have been kind enough to entrust me on so interesting and so important an occasion. (Hear, hear.) In the first place allow me to congratulate you my friends, on the public spirit which you have shown by coming together in right English fashion to do honour to one of the foremost public men of India, for the zeal and independence with which he has discharged his public functions. (Cheers.) Gentlemen, thirty years ago when our honoured guest and I were fellow-students at Lincoln's Inn, I could not have possibly conceived that I should live, not only to be present, but also to preside in this great hall of Calcutta to-night where I see around me Hindus, Mahomedans and Parsees ignoring racial prejudices and customs and dining publicly to do honour to one of their public men. This, indeed, is a sign of the times ; and to my mind it has a great moral of its own. (Hear, hear.) It marks the progress which a conservative country like ours has been able to make under English rule and under the influence of English civilisation during the period of a very short time. (Cheers.) But, apart from its social aspect, the demonstration of to-night has a very important significance in another way. It shows that the educated classes in this country, who have been agitating for a fair share in the administration of their own country, are not indifferent or apathetic as regards the manner in which their own representatives and public men discharge their public functions. (Cheers.) The enlargement of the Indian Councils marks an important epoch in the history of British rule in India. It is a concession to popular demands for which I am sure we cannot be too grateful to the Government. It is a concession which has been made after much deliberation, and not without considerable hesitation. It is too early in the day to pronounce any definite opinion as to the success or otherwise of this great experiment. But I think I express the sentiments of the educated classes of my countrymen generally, when I say that, considering the difficulties of their position, our elected members, throughout India, have, as a body, won our esteem and

proved themselves worthy of the great trust reposed in them. (Loud cheers.) I believe we are all anxious that, having regard to the important character of the experiment, we should try to elect for seats in Council the best men available in the country. By the expression 'best men' I mean 'best men' not only as regards education and culture, but also men of character and of fearless independence. (Hear, hear.) I do not wish to be understood as having exhausted all the necessary qualifications. Fearless independence, in my opinion, should undoubtedly be an indispensable qualification ; but it should be combined with a sense of moderation, with sound judgment and discretion, and I might add that a sense of judicial fairness ought always to guide the person who accepts the very responsible duty of representing his countrymen in the Legislative Councils of India. (Cheers.) I may be permitted to go even further. In my humble opinion in the present state of the country, and having regard to the unfortunate relations which unhappily exist between the governing classes and the people, our elected representatives should, if possible, be men capable of making due allowances even for official prejudices and susceptibilities, carefully avoiding invective of every kind and personalities of every description. (Cheers.) This is the high ideal which we desire our representatives to have before them. And I think our elected non-official members as a body have already shown that they fully recognise the importance of attaining that ideal. And none of them has by his acts and utterances done more to attain that ideal than our distinguished and honoured guest of the evening, notwithstanding the fact that on a recent occasion he was so grievously misunderstood. (Loud cheers.) No one who has carefully and dispassionately read his speeches, as delivered in Council, can discover in them a single sentence or remark to justify the conclusion that Mr. Mehta had so far forgotten himself as to make a general attack on the Indian Civil Service or any particular branch of it. The misunderstanding to which I have just alluded, and the consequent attacks to which Mr. Mehta was subjected, can only be accounted for by supposing that the real sentiments and views of the class to which Mr. Mehta belongs, and to which indeed we all belong, are so grievously misunderstood by the official classes, that they are apt to take offence where none whatever is meant, and also to assume, at the slightest show of independent thought or criticism on our part, that we are actuated by a desire to run down the official classes. (Cheers.) This is a most deplorable state of things, and I venture to suggest that it is the duty of our public men and representatives to do all in their power to disabuse the official mind in this respect. I am sure there is not one amongst us who has read the history of British rule in India to any purpose who is ignorant of what the Indian Civil Service in times gone by has done for this country, or

who would minimise the benefits which some of the members of that Service have conferred upon the people of India ; but the Indian Civil Service with all its glorious traditions, is after all a human institution and like all such institutions, it must move on with the times, and its members must adapt themselves to the changes which the country is undergoing, if they wish to command the regard, nay, the affection which the *ma baps* used to command in the olden days. If our rulers of the present day will make due allowances for the changes which English education must produce among the ideas of the people, and show their sympathy for our natural and legitimate aspirations to acquire gradually the rights of British subjects, I am sure there is nothing to prevent them from winning from us that respect, almost verging upon adoration, which we Oriental races are accustomed to accord to our own *ma baps*. (Loud cheers.) They must not imagine on every occasion, whenever we agitate for any reform or oppose any legislative measure as uncalled for or inappropriate, that our object is either to overthrow British rule in India or to attack the ruling classes. (Cheers.) You all know that for sometime past we have been agitating for a very important reform, namely, the separation of the Judicial from the Executive functions of magistrates in India. This reminds me that in this agitation our honoured guest has taken a leading part, and rendered to the country very valuable service. (Loud cheers.) Personally I have been an earnest advocate of this reform, but it never entered my head that by asking for this reform we were trying (as has been recently alleged by a high official in the columns of an English magazine) to undermine the mainstay of British power in India. (Laughter.) Anxious as I am to see this great reform carried out, my anxiety does not prevent me, for instance, from acknowledging what I had to acknowledge the other day while addressing a jury of my own countrymen, that the wonder to me is not that civilian judges sometimes go wrong, but that, having regard to the enormous difficulties on the part of foreigners to elicit truth in this country, the wonder to me is that they are so often right! And I unhesitatingly declare this to be my feeling after many years of practice at the Bar. Gentlemen, I fear I have digressed too long from the particular subject on which I intended to address you, but the remarks I have made will, I trust, not be considered as altogether irrelevant. Our primary object to-night is to bear testimony to the fearless independence and devotion to duty which have characterised the short career in Council of our honoured guest. But the reason, I take it, which has led us especially to distinguish his case from that of the other elected members who are equally entitled to our thanks, is this : Our opulent noblemen who are in Council, such as our esteemed countrymen, the Maharaja of Durbhanga or the Maharaja of Ajudhia, would probably not consider it much of a sacrifice to spend

a few months in Calcutta while the Council is sitting, but to a professional man in large practice belonging to another Presidency, like our friend Mr. Mehta, absence in Calcutta for several months is indeed a heavy sacrifice which we professional men can well realise, and Mr. Mehta has not hesitated to undergo this sacrifice for the public cause. (Cheers.) He has stuck to his honest convictions with a degree of fearlessness and independence hitherto almost unknown in the Councils of India, at the risk of his motives being misunderstood and misjudged. (Loud cheers.) It is right, therefore, that we should thus publicly acknowledge on behalf of the country the service which Mr. Mehta has rendered us. I have, therefore, great pleasure in proposing the health of the Hon. Mr. Pherozeshah Merwanjee Mehta. (Continued applause.)

The health of Mr. Mehta was drunk with all honours.

APPENDIX F.

[*Proceedings of a public meeting of the inhabitants of Bombay, held on Saturday, the 20th day of April 1895, for the purpose of adopting an address to the Hon'ble Mr. Pherozeshah M. Mehta, M.A., C.I.E.*]

On Saturday evening, the Novelty Theatre was the scene of a crowded and enthusiastic public meeting, convened under the auspices of the Bombay Presidency Association, to adopt an address to the Hon. Mr. Pherozeshah M. Mehta, M.A., C.I.E., in recognition of the 'important, valued, and varied services rendered by him to India generally and to this city in particular.' The theatre was crowded by the representatives of all classes of the Native community, Hindus, Mahomedans, and Parsees, who displayed unusual enthusiasm all throughout the proceedings.

On the motion of Mr. Vurjiwandas Madhowdas, seconded by Mr. Abdulla M. Dharamsi, Sir Dinshaw Manockji Petit, Bart., was called to the chair.

The Notice convening the meeting having been read, the Chairman who was lustily cheered, addressed the assemblge as follows :

Gentlemen,—I beg to thank you most heartily for calling me to preside at this meeting. The occasion is indeed as important as it is rare. Let me assure you that nothing has afforded me greater pleasure than to be present among you this day, and personally testify to the worth of that distinguished citizen and patriot whose long and varied services to our community and the country at large you have assembled to acknowledge. (Cheers.) I believe, gentlemen, I am simply echoing the universal sentiment expressed in all parts of her Majesty's Indian dominions, when I say that, in thus rendering honour to the Honourable Mr. Pherozeshah M. Mehta, we are not only paying homage to ourselves, but to the empire at large, whose permanent interests he has uniformly striven to promote for over a quarter of a century with a devotion and single-mindedness of purpose which are beyond praise. What those services are, will, no doubt, be recounted here later on. But I may be permitted to say that I yield to none in my admiration and esteem for all those sterling qualities, which have so largely contributed in making him a conspicuous figure in the front rank of eminent Indians, at whose head worthily stands our veteran statesman, Mr. Dadabhai Naoroji, M.P. for Central Finsbury. (Loud cheers.) Whether it be on the public platform or in the hall of the Municipal Corporation, or whether it be in the University or the Local and Imperial Legislative Councils, the

Honourable Mr. Mehta has invariably acquitted himself with credit and elicited the highest encomiums from friends and adversaries alike. He possesses a rare combination of those gifts which make the genuine statesman. (Cheers.) We admire his eloquence, and appreciate his culture as much as we applaud his incisive logic, his great constitutional lore, his political intuition, and above all, his sobriety of judgment. Add to these his lion public spirit and fearless independence, and I believe you have a full and fair portraiture of the eminent citizen, whose services we have all met to acknowledge to-day. (Cheers.) I am sure the address which will be submitted to you for adoption will be carried by acclamation, for you could not present it to a more deserving citizen than Mr. Mehta. (Applause.)

On behalf of the Chairman Mr. Dinsha Edulji Wacha then announced that a telegram had been received from the Poona Sarvajanik Sabha, heartily joining in the expression of gratitude to the Hon. Mr. Mehta for his splendid services in the Viceregal Council at great personal inconvenience and sacrifice. Mr. Wacha also read another telegram from Ahmednagar, appreciating Mr. Mehta's conspicuous services to the country.

The Hon. Mr. R. M. Sayani then proposed : 'That in the opinion of this meeting it is highly desirable on the present occasion to place on record its high sense of the important, valued, and varied services which the Hon. Mr. P. M. Mehta has rendered to India generally and to this city in particular.'

In support of his motion the Hon. Mr. Sayani, who was received with loud cheers, said : Mr. President and Gentlemen,—In moving the resolution which is entrusted to me, I do not propose to trouble you with any lengthy remarks, which are only necessary when we have to prove the propriety of the proposal we intend to submit for acceptance or where difference of opinion has to be combated. Happily in Mr. Mehta's case we are simply following public opinion, which, on this occasion, has been so wonderfully unanimous. (Cheers.) In fact there is a consensus of opinion, in which all classes agree, that Mr. Mehta has fully realized the expectations formed of him, and has acquitted himself most ably as our representative in the Supreme Legislative Council—(cheers)—and our city has accordingly, on his return from Calcutta, already received him with a warm and hearty welcome, and he has been already congratulated on all sides for having discharged his arduous duties with honour to himself and advantage to his country. (Loud cheers.) The resolution, gentlemen, asks you to place on record in as public a manner as possible your high sense of the important, valued, and varied services, which the honourable gentleman has rendered, not only to this city but to the country generally for nearly a quarter

of a century, and I dare say that no lengthy observations are needed from me to commend it to your approval. But I may briefly state to you the reasons of the proposal. It is but natural and fair that before we resolve to bestow such honour, it should be established well in the light of day and in the face of the public that the gentleman who is proposed to be the recipient of such a rare distinction, well deserves the honour for his distinguished and eminent public services, and that in bestowing the honour upon him, we are honouring ourselves and our country as our venerable and distinguished chairman has properly observed in his opening speech. (Cheers.)

To begin at the beginning, we find Mr. Mehta at the Elphinstone College, that proud *alma mater* of so many distinguished citizens of this Presidency, under the able and sympathetic guidance of that great and good man Sir Alexander Grant—(cheers)—whose memory is cherished with gratitude by all Elphinstonians who came under the touch of his magic wand. Mr. Mehta was noted at the College as an able, energetic, and promising student, already displaying and fostering germs of future eminence, under the guidance and teaching of Sir Alexander Grant and his brother-professors and in the company of fellow-students like Mr. Ranade. We next find him translated to England, where he further prosecuted his studies and came into contact with fellow-Indians like Mr. W. C. Bonnerjee. On his return to this country he at once began to take part in public matters, and in 1871 he read a paper on Bombay Municipal Reform at the Framji Cowasji Institute. He advocated an elected corporation, a standing committee, and an executive commissioner, and though his opinions were not at once accepted, they ultimately had their effect, as may be observed in the Act of 1872 and the present Municipal Act of 1888, both of which largely run on the lines chalked out in Mr. Mehta's speech. Thus Mr. Mehta's important, valuable, and varied services as a public citizen commenced nearly a quarter of a century ago. His interest in the general question of local self-government and especially in its constitutional aspect, and for a more broadly based and liberal constitution of our Municipal Corporation is well-known and forms a part of our local history, which is too fresh in our memory to recall in this place. (Hear, hear.) In fact on important questions in connection with the local Corporation Mr. Mehta has invariably fought most ably, displaying a wonderful mastery of facts, keen powers of debate, fearless independence, and forensic eloquence, carrying conviction to the hearts of all around him. His marked ability and sound discrimination, his moderation, and rare public spirit and devotion to the public cause combined with his boldly and fearlessly voicing the people's true sentiments, have succeeded in his recognition as the prince of the local Corporation. (Loud cheers.) His constitutional lore and thorough grasp of facts, mastery of details and correct appre-

ciation of statistics, have elicited the admiration of the executive and his knowledge, culture, and experience, and above all, his practical and statesmanlike manner have won public approval. His expositions have always been lucid, his criticisms well-informed and trenchant, and on many an occasion he has solved intricate matters to the reasonable satisfaction of the executive as well as the ratepayers. In short, Mr. Mehta is as much strong in constructive powers as he is in destructive criticism. He possesses the rare gift of discernment, he is sagacious in advice, unselfish in motive, strong to urge the right, and undaunted in action. (Cheers.)

In 1884 he was elected chairman of the Corporation and re-elected the next year, and in the opinion of the Corporation and of the executive and the public at large alike he made the best chairman the Corporation ever had. Whilst he has been thus devoting himself to the interest of the city in the Corporation, Mr. Mehta has simultaneously taken a warm interest in the Bombay Presidency Association, of which he was one of the founders along with Mr. B. Tyabji and the late lamented Mr. Justice Telang, and the spirit of moderation which Bombay showed during the Ripon demonstration in 1884, was partly due to the political sagacity of Mr. Mehta. (Hear, hear.) He is now the honoured President of that Association which, as the most influential representative organisation of the Presidency, has called this public meeting. In 1888 the Government of Lord Reay appointed Mr. Mehta a member of the Local Legislative Council, and during his two years' term of office we find him loyally assisting Government in their arduous and most difficult task of rightly understanding the wants and wishes of the people. It was also during his tenure of such membership that the present Municipal Act was passed, in which we find the impress of his master mind. No citizen fought harder to obtain the broad and liberal constitution we now possess than he, of course ably supported by his lamented colleague, the late Mr. Telang, whose premature loss we must ever deplore. (Hear, hear.) Two years ago he was elected to the local Council, where he successfully grappled with the great question of public finance. Outside the City of Bombay Mr. Mehta has been a staunch supporter of the Indian National Congress, and Provincial Conference, and enjoyed the honour of being elected President of the Sixth Congress in Calcutta in 1890. By his fearless advocacy of public interests, imperial and local, great force of character, and sterling ability, he has made his influence felt in every part of the country, and stamped his own individuality on every public event in which he has had a share. Gentlemen, such was the man, whom the non-official members of the Local Legislative Council elected as the representative of this Presidency in the Imperial Legislative Council eighteen months ago. (Cheers.)

Now, gentlemen, it is admitted on all hands that the grant of the privilege of electing to the Local and Imperial Legislative Councils, the right of interpellation and the discussion on the Financial Statement, whether involving fresh taxation or not, marks a new era in the political history of the country. The concession to the popular opinion, however small, is nevertheless a very important concession, and I am firmly persuaded that if properly, continuously, and skilfully handled, it is bound to result in the ultimate concession of the most important principle, that it is the people who have the right, of course under proper check and control, of guiding their own destinies and managing their own affairs, and that the voice of the people is the final arbitrament in this matter, and it was but in the fitness of things that Mr. Mehta was at this important juncture, on the recommendation of the unanimous voice of the non-official members of the Local Legislative Council, nominated to a seat on the Imperial Legislative Council in the hope that on the Imperial Council he would render equally valuable services to the country and sustain the reputation he had already acquired for himself by a continued devotion to duty and to the interests of his countrymen. Our expectations were more than realised. Our representative was not only able to stand up shoulder to shoulder with the other eminent men, delegated by the other parts of India, which fact in itself would have been adequate cause for confirming our choice and feeling proud of him, but has come to be regarded as *primus inter pares* and has won their confidence and admiration. (Cheers.) The thorough manner in which he discharged his duties on the select committee, the effective mode in which he interpellated, the statesmanlike way in which he took a prominent part in the discussion of the bills in Council, the varied knowledge and legal acumen he brought to bear upon such discussions, marked him out as a born legislator and politician fit to co-operate with the best legislators and the highest politicians of the day. In fact his advent to the Imperial Legislative Council was felt even by people born to rule to be the beginning of a new era in which official opinion would have to be tempered with popular views, thus giving rise to a new regime more liberal in spirit and more popular in practice, rendering Government stronger and the people more contented and happy. (Cheers.) Such is briefly the man whom we, in public meeting assembled this day, desire to honour, and I am sure therefore that the resolution I have moved will be carried by acclamation. (Loud applause.)

The Hon. Mr. Javerilal U. Yajnik, who was received with cheers, in seconding the resolution, said : Mr. Chairman and Gentlemen,—I think that a citizen who does honest, good work for his country and its people is entitled to their warmest gratitude. If, gentlemen, you ask me what are the qualities which have gained for Mr. Mehta the hold

he has on the love and esteem of the people not only of Bombay but of the country at large, I will simply say they have been conspicuous throughout his public career of twenty-five years. His boldness and independence, his ability, his culture, courtesy, and refinement of manners, these have been his distinguishing traits. He is a lawyer and a successful lawyer. As such he knows how to put the best face on any matter that he takes up. But his interests are not confined to the advocacy of his client's cause. He is a citizen imbued with patriotic feelings. His sympathies are broad-based, and not confined to this or that class or community. He is, moreover, an effective and brilliant speaker. It is a pleasure to hear him, whether in the hall of the Municipal Corporation, in the Senate, in the Legislative Chamber, or at any of the public meetings. The charm of his speeches lies in fine, sonorous phrases couched in nervous English. They invariably bring down the house he addresses. (Cheers.) As a debater he shows tact, judgment, and ability. He is scrupulously courteous to those who differ from him, while addressing even pungent remarks in opposition. It is well known that Lord Harris offered him a seat on the formation of the enlarged Legislative Council in Bombay under the Indian Councils Act two years ago, but he thankfully declined the compliment, preferring to be returned by one of the elective bodies—the Municipal Corporation of Bombay,—and they with one voice elected him as their representative to the Local Council. And when the time came for choosing a member to represent Bombay on the Imperial Council, Mr. Mehta was unanimously regarded as one than whom this Presidency could not find a worthier representative. Circumstances prevented him from attending the Imperial Council during the first year of his term, but he has made up and more than made up for it by his services in course of this year, and by the self-sacrifice he has made in giving up for a time his lucrative practice at the bar. During the present session of the Council there was hardly an important measure before the Legislature on which Mr. Mehta had not some useful hints to offer. You know how one fine morning in February last we were startled by a telegram from Calcutta in the daily papers of Bombay, reporting the remarks of Sir James Westland on Mr. Mehta's speech in connection with the Police Act Amendment Bill. When I read it I began to rub my eyes and ask myself, whether all that Sir James Westland said about the introduction for the first time into the Imperial Council Chamber of a new spirit of criticism was borne out and justified, especially in the case of one who, in our opinion, invariably bore the character of being a most sober, discreet, and sensible speaker. (Hear, hear.) But the next day's report which gave the substance of Mr. Mehta's speech dispelled the delusion. The text of Mr. Mehta's speech showed that the language of Sir James Westland was exaggerated, and that the

new spirit animadverted upon was nothing more than an attempt to show what the other side of the question before the Council was. Gentlemen, I put it to you to say whether the main object of having enlarged Legislative Councils would be fulfilled, if in the discussion of a Bill or Financial or Budget Statement the non-official members failed to point out respectfully but firmly what the popular standpoint was. Gentlemen, let us hope that there is a wider field of usefulness for our honourable friend. Long may he be spared to give this country the benefit of his valuable services. (Loud cheers.)

Mr. Daji Abaji Khare, supporting the proposition amidst many cheers, said: Mr. President and Gentlemen,—I have very great pleasure indeed in supporting this proposition, which has been ably put before you by the speakers that have preceded me Gentlemen, it is indeed a gratifying sight to see you all assembled here, in this place, to express your sentiments about and do honour to the Hon'ble Mr. Mehta. It is always gratifying to see real merit appreciated and valued at its proper worth. But amongst several circumstances there is one which renders my gratification all the more strong, and that circumstance is this. It has been often said by some people that in this country there is really no public, that we have no real discrimination, and that we take our opinions at the dictation of some wire-pullers. Now you, by assembling here, I am glad to say, have given a lie to that assertion. You have well demonstrated that at all events in the city of Bombay a strong discriminating public opinion does exist. Let me ask since you have come here, were any circulars sent round to whip up this gathering? Have any private visits been paid to induce attendance here? Or, was it considered necessary to confining this gathering to friends and admirers alone? (Laughter.) No. The fact is, and nobody can deny it, there was only an announcement of a public meeting to do honour to Mr. Mehta, and we all flocked to this place entirely unsolicited and with one accord. (Loud cheers.) We have met here to recognise real merit and give a spontaneous acknowledgment for public services. We have not met here to do an enforced homage to a big name. (Hear, hear.) Gentlemen, I need not describe to you the qualifications of Mr. Mehta, and the claims he has upon your gratitude? As a lawyer, as a politician, and as an orator, he has shown that he is second to none in this country. His services and merits have been already detailed to you by the previous speakers, and I do not think it necessary to add to their statement. I must say, Mr. President, that the Parsee community which owns Mr. Mehta as a member has great reason to be proud of that circumstance. But no; I am liable to be found fault with. Mr. Mehta belongs to no community in particular. He is neither a Parsee nor a Hindú nor a Mahomedan. He is a cosmopolitan citizen of India. (Cheers.) He

belongs to all races and castes and communities that inhabit this vast country. He is a member of them all. And consequently we are all proud of him. I therefore earnestly hope that you will accept what the Hon'ble Mr. Sayani said a few minutes ago and carry this proposition by acclamation. (Applause.)

The Resolution was put to the vote and carried by acclamation.

Mr. N. G. Chandavarkar, who was most cordially received, proposed the next Resolution which ran as follows :—"That with a view to giving public expression to the high esteem and regard in which the Hon. Mr. Mehta is held by the community, this meeting resolves to adopt the following address':—

To—THE HONOURABLE PHEROZESHAH M. MEHTA, M.A., C.I.E.

SIR,—We, the citizens of Bombay in Public Meeting assembled, embrace this opportunity to accord to you a most hearty welcome on your return from Calcutta after having discharged, with honour to yourself and advantage to the country, your arduous duties in the Imperial Legislative Council, to which you were unanimously called by the suffrages of the elected Members of the Bombay Legislative Council.

The important, valuable, and varied services which you have rendered to India in general, and to this city in particular, during the last twenty-five years in your capacity as a public citizen, are too well-known to need enumeration here. You were among the first of Bombay's foremost citizens, who fought the battle of Municipal reform for this city, and the suggestions which you made in the year 1871 for placing our Municipal constitution on a more satisfactory and durable basis than that on which it rested at that time were so well-conceived in the spirit of wisdom and moderation that it could not but have been a source of gratification to you to find that it was upon the lines indicated by you that that constitution was subsequently improved. From the platform of our civic hall and elsewhere, in company with such colleagues as Mr. Badruddin Tyabji, the Hon'ble Mr. Javerilal U. Yajnik, and the late lamented Rao Saheb V. N. Mandlik, Nowrozjee Furdoonji, and Mr. Justice Telang, you have defended the measures of the most sympathetic and far-sighted Viceroy that India has had for many years past. You have, as a Member of the Bombay Legislative Council, along with Mr. Telang, fought on our behalf for the liberal and broad-based Municipal constitution, which we now enjoy. Your persistent advocacy of the cause of Higher Education as against the repeated attacks made upon it by its traducers ; your intrepid opposition to the iniquitous Police charges which are still the subject of controversy, but which, we rejoice to notice, the sympathetic intervention of H. E. Lord Sandhurst promises soon to bring to a happy termination, and your zealous and continuous efforts to promote in every way you could

the welfare of your countrymen and improve their political status have justly earned for you our most heartfelt gratitude, and have enabled you to occupy a leading place among the best and foremost of our public men. It is but the barest truth to say of you that with nearly every public movement of the last twenty-five years your name stands prominently identified. But, above all, we desire to acknowledge in particular the catholicity of spirit which has consistently marked your devotion to the public cause, and which has secured to you the esteem, confidence, and good will of all classes of your countrymen.

But eminent as have been your past services it is no exaggeration to say that those which you rendered to the empire at large during the recent session in the Viceregal Legislative Council, are more important and valuable still. Whether we look at the marked ability, moderation, and forensic eloquence with which you discussed the important measures introduced into that assembly, or at the public spirit and fearless independence which you displayed in criticising those measures, we are bound to say, you realised, and more than realised, the expectations formed of you. That sterling independence, sound discrimination and unflinching devotion to the public cause which characterised in so marked a degree your conduct in the local Legislative Council, had led us to expect that you would be able to discharge your duties with equal credit and satisfaction in the highest deliberative assembly of the empire where grave questions of imperial policy and imperial administration are brought to the test of the legislative anvil. The session from which you recently returned was no doubt an important one. At the very commencement of the sittings, the Council had to deal with a large legislative measure which contemplated new taxation and which led to strong agitation, both in this country and in England. The financial embarrassment in which the Imperial Government found itself at the close of last year, chiefly, we regret to have to state, by reason of its unfortunate foreign and military policy, compelled it to introduce the Bills on Cotton and Excise duties. You were able to take a part only at the third reading of those Bills. But even at that stage you amply succeeded in boldly voicing the people's true sentiments in reference thereto, namely, that but for the iniquitous measure which permitted, during a period of great financial embarrassment, grant of compensation allowance of over a crore of rupees to the public servants who were already in receipt of salaries having no parallel in any part of the civilised world, the necessity for the duties might not have arisen. We need not say that those sentiments found an echo in the heart of almost every tax-payer whose pocket, it must be acknowledged, has been seriously encroached upon since 1886-87. By your well-informed and trenchant criticism on the

much abused Cantonment Bill you rendered no mean service to the empire. You lucidly expounded, with all your constitutional lore and impressive eloquence, the imperative necessity for healthy Parliamentary interference in the affairs of India. You correctly pointed out the important consideration that Parliament would be wofully wanting in the discharge of its sacred trust if it failed to interpose its august authority where it was convinced that its supreme wishes had been frustrated or ignored, or that the policy it had deliberately laid down for the guidance of the servants of the Crown in the country had been deviated from or set aside. On this measure also, which involved a great constitutional question, vitally affecting the permanent interests and welfare of your fellow-countrymen, you instinctively carried the Indian public with you. The time was ripe for giving currency to such a healthy pronouncement of public opinion in the Council Chamber, and it is gratifying to acknowledge that you expressed it in your usual eloquent and effective manner. But, Sir, it is no exaggeration to say that you surpassed yourself when on behalf of your countrymen you raised your potent voice in the same Chamber against the retrogressive and mischievous principles underlying some of the provisions of the Police Act Amendment Bill which, it is a matter of profound regret to see, has passed into law by a purely numerical majority of official votes in face of overwhelming arguments to the contrary and of the universal condemnation it met with.

Last, though not least, you may be said, without fear of contradiction, to have covered yourself with glory by the complete grasp of financial facts and the mastery of details you displayed in the course of the debate on the current year's budget, and the marked ability, acumen, and correct appreciation of statistics which you brought to bear on the fatal policy which it is admitted on all sides, has been the principal cause of the overgrown expenditure of the empire. The practical and statesmanlike speech you made on the subject would have done credit to any citizen and skilled debater in the House of Commons or any other enlightened assembly of a self-governing country. It shows how far Natives of India of your culture, knowledge, and experience can successfully grapple with great questions of public finance, and assist the Government in its arduous and most difficult task of solving them to the reasonable satisfaction of the tax-payer. Nothing, we feel, could more enlighten the proceedings of the newly expanded Legislative Councils, give weight to their deliberations and add strength to their enactments than the wider association therein of Indians of your ability and independence. It would generate in the hearts of the people a sense of trust and confidence the far-reaching influence of which on the stability of the empire it is impossible to over-rate. At the same time the states-

men who are entrusted with the duty of carrying out important measures of administrative reform should be prepared to frankly welcome outside opinion with dignified patience and generous sympathy which are so essential to make our Legislative assemblies greater realities than they are at present, and to render them true embodiments of the genuine and living representation of our people.

Such are the valuable and varied services you have rendered to your countrymen for which, we repeat, you have laid them under your deepest obligation. We have nothing to offer you but this public acknowledgment of our praise and admiration for them. It is only a slight recognition of your sterling worth as a public citizen and prominent leader. By all those whose goodwill is worth having, you are recognised as one who is gifted to discern and strong to urge the right, sagacious in advice, unselfish in motive and undaunted in action. These are the splendid qualities that have adorned your public career and laid the solid foundation of that confidence which you enjoy. You have set a shining and an admirable example to your fellowmen, and shed lustre on the whole country. May you long live to render equal, if not greater, services to your country in future and bind fresh laurels to your brow.

In moving the adoption of the above address Mr. Chandavarkar said : Gentlemen,—I think I may fairly say that the purpose for which we have assembled here this evening and the enthusiasm by which we are inspired on this occasion are in accordance with the best and most honourable traditions of this city. (Cheers.) No one can look back upon the history of the public activity and popular enthusiasm of Bombay during the last twenty-five years without being impressed by the fact that this city has not been wanting in public men possessing strong common-sense, who by their sobriety of judgment and their ability to grasp public questions in a practical spirit have enabled it to take a leading place in the councils of the Indian Empire. (Loud cheers.) Nor should it be forgotten that the citizens of Bombay have rarely failed in their duty to acknowledge with gratitude the services of its public men, whenever those public men have discharged their public trust in a public-spirited manner. (Hear, hear.) Among such, the Hon'ble Mr. Mehta deserves to occupy, as he does occupy, a foremost place, and the history of his public career during these twenty-five years is the history of that progress which we have been able to make during that period, for he has played in that history a prominent and useful part. (Cheers.) He has all along been to the front in our public activities and risen steadily in public estimation and in the estimation of Government by the fearless and self-sacrificing manner in which he has devoted himself to the public cause. (Loud cheers.) It may, in the slightly altered language of a poet,

be aptly said of him that he has served the public with a strength which his service could not tire, with a faith in the cause which doubt could not dim, with a heart of love for his country, and with a life of fire. The address which I am now asking you to adopt for presentation to him makes reference, among other points, to the catholicity of spirit with which he had worked for the public good. I wish to lay particular stress upon this feature of his public career, because Mr. Mehta has throughout been above all class or caste prejudices (hear, hear, and cheers), and has set a healthy example, which deserves special acknowledgment in this country of many castes and creeds. (Hear, hear.) Speaking at the Ripon Club the other day of the complimentary terms in which Sir Jamsetjee Jejeebhoy (cheers) mentioned his services to the public, Mr. Mehta tried with the ingenuity of special pleading to minimise the value of those services. He spoke there, as if we, the public, were his creditors, and he was our debtor. (Laughter.) But that, I think, is not a fair way of representing the state of the account as it has stood between him and us. That account, truly speaking, is not by any means one-sided—it is, what lawyers would call, a mutual, open, and current account. (Laughter and cheers.) It is mutual, because, while, on the one hand, Mr. Mehta has owed to the public a duty, on the other, the public stands indebted to him for the faithful manner in which he has discharged his duty ever since he entered public life. It is open because he has openly and fearlessly advocated our cause, and we have as openly accepted him for one of our best leaders. (Cheers.) It is current, because the account is not yet closed, and let us hope and pray that it may not be closed, for many many years to come. (Loud cheers.) Reference has been made in the address now submitted for your adoption to the speeches delivered by Mr. Mehta in the Imperial Legislative Council and the plucky fight he made there on our behalf. Those speeches drew from certain quarters unsympathetic and unjust criticism, but I welcome that criticism for the reason that, as the late Mr. Bright once said to his friend Mr. Potter in connection with the corn law agitation, when your opponents lose their temper, it is a sign that your cause is bound sooner or later to win. (Hear, hear, and applause.) I need not say much about the fearlessness and fairness with which Mr. Mehta opposed a certain clause in the Police Act Amendment Bill. Public opinion has almost unanimously sided with him in that matter and the amendment which he proposed in the provision in the Civil Procedure Code Bill as regards the execution of decrees for restitution of conjugal rights was so well conceived in the spirit of moderation that it is difficult to understand the reasonableness of the ground on which it was rejected. All that he proposed was that it ought to be left to the discretion of the court to say, in each particular case,

whether a defendant against whom a decree for the restitution of conjugal rights is passed should be sent to the civil jail for not obeying that decree. I do not see why the Legislature should fear to give a discretionary power to our judicial tribunals, which enjoy the confidence of the people. Our courts of first instance are presided over by native Subordinate Judges, who have an intimate acquaintance with the habits and customs of the people; and I know as a fact that our District Judges and High Courts and the Privy Council rarely upset the decision of our Subordinate Judges in matters of discretion of this kind. The amendment proposed by Mr. Mehta was, therefore, very sensible, and it sought no more than to make a wise improvement in a law which was imported into this country from the English law. (Cheers.) On the financial position, Mr. Mehta spoke in a spirit of animated moderation, and defended the interests of the Indian taxpayers with a freedom and frankness which the criticism of that question justly demands at this juncture. (Loud cheers.) The new expansion of our Legislative Councils cannot but prove a blessing so long as we send into our Councils representatives like Mr. Mehta. Now that fresh elections to our Legislative Councils are soon to take place, it may not be amiss to point out to the electors that there is a heavy responsibility lying upon them, that they should not discharge their duties with a light heart, but should try to send into the Council men who can bring to bear upon the duties of the office of legislator a sound and cultured judgment combined with experience. (Cheers.) Mr. Mehta has shown us by his example what an elected Councillor should be and try to be. (Cheers.) And I ask you to adopt this address because he has discharged his duties loyally to the Empress and lovingly towards the people of India. (Loud cheers.)

Dr. Bhalchandra, who was received with loud cheers, in seconding the motion, said: Mr. President and Gentlemen,—The *Pioneer* in one of its recent issues remarks: 'The Honourable Pherozeshah M. Mehta is one of the ablest and most eminent of the political leaders of Western India and next to Mr. Dadabhai Naoroji he is the most intellectual man amongst his sect. Like nine-tenths of the Indian political school he is a lawyer, and his professional income is said to be one of the best earned by any of his countrymen in India.' This is a testimony of the worth of the Honourable Mr. Pherozeshah Mehta from the opposite camp, and is peculiarly valuable just at this time. (Cheers.) Mr. Mehta's public services not only to Bombay and to the Bombay Presidency but to the whole of India have been very valuable and of lasting importance. There is not a single public movement in Bombay during the last twenty-five years, in which Mr. Mehta has not figured most prominently, and in which he has not taken a deep, sympathetic and effective interest. His eloquent and thundering speeches

on the occasions of the public meetings in support of the Ilbert Bill, the Fawcett Memorial and the memorials in honour of those distinguished statesmen whose names are a watchword in India, I mean Lord Ripon and Lord Reay, as well as his addresses on the platforms of the National Congress as President of that body in Calcutta, and of the Provincial Conference at Poona, and other public functions too numerous to mention, are matters of such recent history that they must almost be still ringing in the ears of the public. As a member of the Bombay Municipal Corporation he has rendered the most distinguished services to this great city. In fact he has been one of the prime movers in bringing the present constitution of that body to the perfection it has attained now, and in stimulating the healthy growth of local self-government in Bombay. (Cheers.) He has fought many a fierce battle on the floor of the Municipal Council Hall, and has invariably come out successful, vanquishing his opponents with courage, with sturdy independence, and with fearless and powerful eloquence. It is mainly due to him and to the late Mr. Justice Telang that the Municipal Corporation has got its present reformed Act. (Hear, hear.) He leads the opposition with his wonderful and persuasive eloquence and towering intellect and is deservedly held in high esteem by all the different representatives of the various communities in Bombay. As a reward for his distinguished services to the Corporation, he was elected twice to the office of President of that body, which he filled with rare tact, skill, and judgment. (Cheers.) It is no exaggeration to say that he has been rightly styled 'the uncrowned king of the Corporation.' (Loud cheers.) His unanimous and unopposed election to the Local Legislative Council on two successive occasions bears eloquent testimony to the very high esteem in which he is held not only by his friends and followers in the Corporation, but by those who are usually arrayed on the opposite side, and who do not always share his political opinions. His effective and persistent advocacy of the cause of the rate-payers in the matter of the much-vexed question of the police charges—a question which, it may be safely said, no member of the Corporation has been able to handle with greater grasp, and which, I am glad, is likely to be soon amicably settled during the promising regime of the present popular Governor, H. E. Lord Sandhurst (cheers)—deserves to be specially noted. His services in the Supreme Legislative Council have, indeed, been of the highest value to the whole of India. They have been so fully described to you by the previous speakers that it is needless for me to further dwell on them.

It has been asked in certain quarters, what has Mr. Mehta done in the Viceroy's Council to deserve this public recognition at the hands of the citizens of Bombay? Several gentlemen of eminence, it is said, have sat in that Council before as representatives of this Presidency. Why should Mr. Mehta alone be selected for this rare

honour? Gentlemen, my answer to this question is, that whereas his predecessors sat in that Council as the nominees of Government Mr. Mehta was elected by the people and sat there as the first representative of this Presidency under the new Councils Act. Even if his services were less brilliant than they have been, it would be the privilege of the citizens of Bombay to call upon Mr. Mehta to give an account of his stewardship as it would be Mr. Mehta's duty to respond to the call. But since he has fought in that Council the cause of the people in the conspicuously brilliant manner he has done, it is fitting that we should express our gratification on account of those services and give a public assurance of our confidence in him. (Cheers.) When the address we have adopted is presented to him, we shall have an opportunity of hearing from Mr. Mehta's lips an account of his experiences and the services he has done in the Council. I look upon this meeting as an analogy of the electoral meetings held in England at the close of a Parliamentary session, where a member meets his constituency, and gives an account of his work there. Such a meeting will be an useful precedent in the future for bringing together the electors of Bombay and their representatives in Council and creating a mutual interest and a lively sense of mutual responsibility. We have been peculiarly happy in electing Mr. Mehta as our first representative. He has shown an amount of independence, self-sacrifice, and assiduous work in the Council which will be a stimulating example to his successors. His services should, therefore, be publicly recognised for introducing a new spirit into the debates of the Viceregal Council. (Loud cheers.)

Mr. Ibrahim Rahimtoola, who was well received, supported the Resolution as follows :—

I have very great pleasure in supporting the resolution so ably moved by my friend Mr. Chandavarkar and seconded by Dr. Bhalchandra. Gentlemen, we have met here to-day to do honour to a countryman who has always been entirely free from the petty prejudices of colour, caste and creed. The Honourable Mr. Mehta is a thorough Indian (cheers) and as such, has rendered valuable and important services to the cause of this country. He has earned our lasting gratitude by the manner in which he has championed our cause in every direction. (Cheers.)

Gentlemen, Mr. Mehta has identified himself with all the political movements of this country. In certain quarters all political movements, however legitimate and constitutional, conducted with the greatest possible moderation and sobriety, are looked upon as disloyal. Gentlemen, is the Honourable Mr. Mehta disloyal? (Cries 'no,' 'no'.) The answer depends upon the interpretation you place upon the word. If it be disloyal to warn you of the pitfalls that surround you, if it be disloyal to point out the dangers that menace you,

if it be disloyal to render eminent services to the cause of your country, if it be disloyal to contribute your level best towards the permanence and stability of the British rule in India, then, gentlemen, Mr. Mehta is truly a most disloyal subject. (Laughter and applause.) I am sure you will join with me in saying that we would all be very proud to be considered equally disloyal. (Cheers.)

As sufficient has already been said by the previous speakers regarding the valuable and varied services rendered by the Honourable Mr. Mehta, I consider it unnecessary to dilate further on the subject—and will therefore content myself by supporting the resolution without further remarks, trusting that you will accord it your hearty acceptance. (Applause.)

Mr. Sundarnath D. Khote in support of the Resolution said as follows :—Mr. Chairman and Gentlemen,—I feel it a high honour in having been permitted to say a few words in support of this resolution and thus having got an opportunity of paying my own humble yet emphatic tribute of praise and gratitude, to the honoured gentleman to do honour to whom we are met here this evening. For I suppoes you are all aware, that we are assembled here to mark our high esteem for the many sterling qualities of head and heart, and the various public acts of usefulness of our '*ferocious*' patriot (laughter), the Honourable Mr. Pherozeshah M. Mehta, C.I.E., and I consider this meeting itself, consisting, as it does, of the most enlightened portion of the town and island of Bombay, to be the most complete and unimpeachable evidence of the high esteem and regard in which Mr. Mehta is held by all classes of the vast and varied Indian community, and the demonstrative manner in which you have already received this resolution and the previous speakers, leads me to the conclusion that but few words of mine are necessary to commend it to your unanimous acceptance.

Gentlemen, Mr. Mehta is a many-sided man. It is not the province of one like me, a layman, to say anything as regards the great success he has been able to achieve, in his own profession, but as regards his public life I shall say this—that, in whatever he has undertaken, be it in the direction of Municipal reform, political reform, or financial reform, he has invariably and all along exhibited his strong personality, and still stronger common sense, which, as we all know, is an uncommon commodity, and cannot be found in mediocrities howsoever exalted they may be ; and if there is one trait more than another in his character deserving of special mention, it is his keen and intense desire always to maintain an even equilibrium, in the midst of the most warring elements, and to take a dispassionate and unbiassed view of every question. In this he, in my opinion, rather overshoots the mark and generally takes the charitable view in preference to the real view.

At the Municipal Corporation, he is simply indispensable. The address enumerates the many disinterested services he has rendered to that body, and I am only repeating what has been oft repeated that the meetings of the Corporation are 'tame' without him, because his great experience and sound knowledge of Municipal affairs is always in great request; and the fact that the Corporation which is a fairly representative body has unanimously and with one voice re-elected him to the Legislative Council is another testimony, if testimony were needed, of the high esteem and regard in which he is held by one and all. The Corporation in honouring him have simply honoured themselves, for it were impossible to find a truer and better representative than he. His services in the two Councils are too fresh to require any allusion; besides they have been spoken of, in terms more eloquent than I could do, by the previous speakers; but I shall beg your indulgent patience when I say that his recent gallant advocacy of the cause of the natives in the Supreme Legislative Council is the best service he has done to our country—the crowning act, so to say, of his usefulness. Gentlemen, the memorable occasion on which he made our Finance Minister show his characteristic intolerance of criticism, which is the general failing of the twice born service, and on which they pride themselves, must be regarded as a red-letter day in the annals of our political struggle—because if anything was wanted to justify our contention and to reveal to the gaze of the public the narrowness of the policy of our administrators, which, in this respect, appears to be the narrow policy of narrow-minded statesmen, that want was supplied by that hot-tempered and, to us, timely effusion of Sir James Westland. This I regard as the most brilliant service which Mr. Mehta has done to our cause and for which we cannot be too grateful to him. And it is in honour of such a man that we are gathered here, a man of towering intellect, sturdy independence, unflinching devotion, wise moderation, and sound and judicious sobriety, and we devoutly pray to the Almighty to spare him long, to fight our battles with greater vigour and assiduity.

Calcutta has already forestalled us by showing her appreciation of real merit by 'feting' him, as some have it, and we, the inhabitants of this city, which has the honour to own him as her most dutiful and devoted son, ought not to lag behind in the performance of what, in the light of truth, is a stern call of duty, but which, by some legal fiction, is construed into an act of honour.

Let us then pass with resounding acclamation this resolution and thus show to a really critical public that we know how to honour one to whom honour is due, not by the patchwork vote of friends and admirers, but by the solid and genuine vote, given with one voice, of all classes and creeds of the people. (Applause.)

The Resolution was then put to the vote and carried unanimously.

Mr. W. A Chambers then proposed amidst prolonged cheers 'That the address just read and adopted be publicly presented to the Hon. Mr. P. M. Mehta on an early day which the President may fix, and that the arrangements in connection therewith be entrusted to Messrs. D. E. Wacha, N. G. Chandavarkar and A. M. Dharamsi.' He said that he fully recognized the necessity of honouring a citizen like Mr. Mehta, but if Mr. Mehta were to do them good either in Bombay or on the Viceregal Council they must support him by holding meetings like the present and show that he was one in whom they did repose infinite trust and confidence. (Cheers.) It must be in the recollection of all that sometime ago a telegram had been received in Bombay which practically said that Mr. Mehta had been guilty of very great foolishness; but when they received in due course Mr. Mehta's own remarks, they found that the foolishness was on the other side. (Laughter and cheers.) But even if Mr. Mehta had said that the officials were not what they pretended to be, he (Mr. Chambers) did not think that Mr. Mehta was very far wrong in making such a statement. Government officials were sinners like themselves, and made errors like other men. The difference between Government officials and themselves was that the former had all the power and authority, while they had merely their voices. If the Government of India, like the Government at home, wished to govern wisely and well, they must take the people into their confidence—(cheers)—and if they took them into their confidence, they would not possibly make the errors which undoubtedly they had been making of late in connection with the scientific frontier, the exchange question, and last though not the least the mill industry of the country. Just now the officials were spending lakhs and lakhs of rupees in fighting a man who did not want to fight (laughter); they had been sending thousands of men to relieve a man who was possibly in no need of relief. (Renewed laughter.) And they had in the bargain crippled the chief industry of the country. Under the circumstances they might be quite justified in making use of harsh expressions, and it would certainly not be too much to say that such conduct was lamentable. (Cheers.) If they desired to effectually put a stop to this muddled state of affairs, they must return men of Mr. Mehta's personality, but at the same time they should call upon them to give an account of their stewardship, and they might then have great hopes of India's political future. (Loud cheers.)

Mr. Rustom K. R. Cama seconded the resolution in the following speech:—Every average citizen of Bombay, be he ever so humble, ought to feel proud to have an opportunity of contributing in some way or other to the success of this evening and as such, I do feel proud in seconding this proposition, however unqualified or unfit I may be to

discharge that duty, and therefore in doing so I only crave your indulgence and hope you will take the wish for the deed. Gentlemen, it is needless for me to eulogize the many high qualifications of our able leader acknowledged to be so on all hands by all castes, creeds and classes. To do so would be, in the words of one of our contemporaries, equivalent to painting the lily. But I cannot help on this occasion briefly touching upon his valuable services in the cause of higher education. You have already acknowledged these services in the address you have adopted. His has been a persistent and staunch advocacy for a wider and more liberal policy towards higher education and loud denouncement of the retrograde policy of those in whose hands the destinies of India are placed, that policy of doling out a niggardly pittance tantamount to starvation diet for the mental food of the millions of Indian souls. Gentlemen, the Hon'ble Mr. Mehta has always taken an active part and warm interest in all educational matters. He has advocated the cause of higher education whenever he had an opportunity of doing so. He has in all Budget speeches, whether in the Local or in the Supreme Council, drawn the attention of our enlightened British Government to their halting and retrograde policy towards higher education and insisted upon their following the lines so beneficially laid down by such illustrious men as Macaulay, Bentinck, and Mountstuart Elphinstone. Lately, at the Graduates' Association's meeting, Mr. Mehta denounced the present policy of Government and exposed by facts and figures the fallacies and specious arguments put forward by Government and its officials during the regime of Lord Harris. He boldly took up the cudgels at the Council meeting against the withdrawal by Government of the grant to the University of this Presidency and against the unrelenting indifference of Government to the Fergusson College. But to Mr. Mehta's credit be it said, he was successful in staying the hands of Government from applying its shears for financial purposes to the University, and the Fergusson College. Gentlemen, it now remains for me to add that higher education is the life and soul of a nation. On it depends its rise or fall. Education is the birthright of every human being; it is the only means of making the man approach the image of his creator. But you must remember, Gentlemen, that the rays of the light of knowledge can never illumine the base before illuminating the top of the mountain.

We are glad to note that our sympathetic Governor, H. E. Lord Sandhurst, has in one of his public utterances declared that the words 'too much' can never have any application to true education. Gentlemen, with such a Governor at our head of affairs it will, I hope, be an easy task for our champions of higher education, headed by our great and mighty leader, the Hon'ble Mr. Mehta, to obtain a liberal and generous policy in matters educational. (Cheers.)

Mr. V. K. Samarth supported the resolution as follows: I do not think I have much to add to what has been said by those who have already addressed you. I propose to make only a few remarks on what I consider to be the significance of this large and enthusiastic gathering that I see before me. Gentlemen, you are aware that the new Councils Act has been framed with the intention of infusing into the debates of our Legislative Councils a spirit of free, fair and fearless criticism of the Government and its doings by those whom the people of this country nominate as their recognised spokesmen. To the Honourable Mr. Mehta we are indebted for having effectually introduced that spirit into the Supreme Legislative Council a few weeks ago. Gentlemen, small wonder that upon the advent of this spirit, a voice of weeping was heard and loud lament. I dare say many of you in common with myself were not surprised to see that those who hitherto held unquestioned sway became discomfited one after another when they saw this hallowed, but to them uncongenial, spirit making its way into the Council Hall. But let us hope they will soon learn to reconcile themselves to it. I trust this meeting, as also the one which our brethren of Bengal held the other day, and for which it is our duty to heartily thank them,—I trust these meetings will prove an object-lesson to our official friends and will make them feel that somehow they must accommodate themselves to this new spirit, that they cannot any longer afford to trifle with it, that they are powerless to stifle it. The sooner they recognise this, the better for them and for us and for the empire. (Cheers.) Gentlemen, this meeting again, is in honour of one who has not only secured the confidence and esteem of those who belong to his political persuasion, but who has extorted the admiration of even those in the opposite ranks,—this meeting will, I trust, prove also an object-lesson to those few amongst us who delight to take reverse positions on the branches of the political tree, slumbering while the sun shines, and intermittently opening their eyes only to look vertically down upon those noises they thoughtlessly condemn as disloyal and seditious. (Cheers.) They forget that though we may make noise, and, mayhap, sting when attacked, we are nevertheless busy kneading up the honey, which adds sensibly though slowly, to whatever blessings the main stem of our political constitution already vouchsafes to us. (Cheers.) I trust the appreciation of the Hon. Mr. Mehta's political services by friend and foe alike will serve to open their eyes and transform them into what they really should be. But, gentlemen, this meeting, to my mind, is significant chiefly in this that by thus expressing our approbation of the services of one who has been disinterestedly working on our behalf, we not only strengthen his hands and stimulate his activities,—that, by the way, is a small matter in Mr. Mehta's

case, for a man like him scarcely needs any stimulus from us,—but show ourselves worthy of some of those privileges of citizenship which have been tardily and grudgingly bestowed upon us of late. (Cheers.) I do think, gentlemen, that a meeting of this nature indicates that we are entering upon a political life which is healthy and vital. Finally, gentlemen, the moral of an ovation of this kind which must needs force itself upon our mind is that we can scarcely have a better ideal of citizenship before us than that illustrated by the political career of our firm friend, trusted tribune, and cautious counsellor, the Hon. Mr. P. M. Mehta. (Loud cheers.)

The Resolution was then put to the vote and carried unanimously.

Dr. K. N. Bahadurji, who was lustily cheered, proposed a hearty vote of thanks to the Chairman for his able conduct in the chair. He said : Gentlemen,—It is my pleasant duty now to ask you to accord a hearty vote of thanks to Sir Dinshaw Manockji Petit, Bart., our venerable chairman, for his presence here this evening, and I have no doubt you will do so with great enthusiasm and acclamation. (Loud cheers.) It is not at all necessary to recount Sir Dinshaw's many acts of public usefulness—so well known they are to us all. If there be one thing more than another that marks the patriot and distinguished citizen we are honouring to-day, and in which every young son of the soil ought to emulate his example, it is the catholic spirit and nature of Mr. Mehta's services to the people of this country. He is above all considerations not only of self-interest but of clannishness, and a Parsee though he is by religion, his first and foremost thought in his work for the country is, as he said the other day with pride and praiseworthy spirit, that he is an Indian of Indians, no less a brother to a Hindu or Mahomedan, to a Sikh or Madrasee, than to a Parsee. And like Mr. Mehta who has been ministering to the political wants of the people of this country without distinction of race or religion, our venerable Chairman, Sir Dinshaw, has been distinguished for his great and catholic work to meet the physical wants of his fellow-subjects and fellow-men. (Cheers.) His charities—and they are numerous—breathe the same feeling of fellowship and regard towards his neighhours—be they Parsees, Mahomedans, Hindus, or Christians—that has been such a characteristic feature of Mr. Mehta's work. But Sir Dinshaw's presence here this evening has a most noteworthy significance. And it is this. It most unmistakably demonstrates the fact, often sought to be suppressed or misrepresented, that wealth and culture, intelligence and industry, and even the church of India,—for witness the presence this evening of our venerable Dasturs along with our merchant princes and members of the liberal professions—are at the back of that great National Movement that is making itself felt not only in this country but also in England, and of which the Hon. Mr. Mehta is a most distinguished and devoted

champion and exponent. (Loud cheers.) Sir Dinshaw's presence among us therefore, is not only agreeable but most invigorating to workers for the country's cause. It may be that Sir Dinshaw has not been able to take the same direct part in Congress meetings, but it should not be forgotten that he was for many years the distinguished predecessor of Mr. Mehta himself in his office of President of the Bombay Presidency Association, from which he retired only on account of ill-health, and as such, he certainly has been one of our most trusted, though silent, supporters and sympathisers of our National Movement. (Cheers.) But, indeed, let people say what they will, every true Indian, be he a Parsee, Hindu or Mahomedan, however much he may stand aloof from, or be afraid to show open sympathy with the National Movement, from personal or temporary considerations, at least he cannot but wish it well and rejoice in its onward march. (Loud applause.)

The vote was carried by acclamation.

The Chairman, after having cordially thanked the Meeting for so enthusiastically voting thanks to him, declared the Meeting dissolved.

APPENDIX G.

Address resolved upon by the Eighth Provincial Conference, held at Belgaum, on 4th May, 1895.

RESOLVED :—'That this Conference desires to place on record its high appreciation of the masterly services, rendered to the country by the Hon. Mr. P. M. Mehta in the last session of the Supreme Council at great personal inconvenience, and it authorises the President to draw up and present on its behalf an address to Mr. Mehta embodying this expression of opinion, at such time and place as may be determined hereafter in consultation with the honourable gentleman.'

The above Resolution was proposed amidst loud cheers by Professor G. K. Gokhale (of Poona) in the following speech :—

Mr. President and Gentlemen,—The resolution which I have to propose to-day for your adoption is one, which it is not only a pleasure but a privilege to move, and I feel sure when it is put to you from the chair, you will carry it with unanimity and enthusiasm. Gentlemen, the brilliant abilities of Mr. Mehta and the great services which he has rendered, not only to our Presidency but to the country at large, during a public life of nearly a quarter of a century, are now so well-known that his name has really and truly become a household word with us. The grasp and vigour of Mr. Mehta's intellect, his wide culture, and his fearless independence coupled with dignity and judgment, have won for him to-day a most commanding position in the public life of the Presidency, and a position of singular eminence in the public life of Bombay. Gentlemen, when a person has attained so prominent a position, it is inevitable that the fierce light of comparisons, to vary the beautiful expression of the late Laureate, should beat on him. And I think no person has suffered less than Mr. Mehta by these comparisons. A friend of mine in Bombay, a shrewd observer of men and things, once said in speaking of Mr. Telang and Mr. Mehta and Mr. Ranade, that Mr. Telang was always lucid and cultured, Mr. Mehta vigorous and brilliant, and Mr. Ranade profound and original. I think, gentlemen, you will agree that there is much in that observation. At the same time it must be said that, though some men think that Mr. Mehta's particular qualities are vigour of intellect and brilliancy, it does not follow that he is in any way deficient in the other qualities. To my mind it has always appeared that Mr. Mehta to a great extent is a happy combination of the independence and strength of character of the late Mr. Mandlik, the lucidity and culture of Mr. Telang, and the originality and wide

grasp of Mr. Ranade. And these qualities which have always shone well, never shone more brilliantly or to greater advantage than in the work done for us by Mr. Mehta in the last session of the Supreme Legislative Council. Gentlemen, I do not mean to recount in any detail the services rendered by Mr. Mehta during that session. In the first place, they are so fresh in our memory, and, secondly, they were only the other day recapitulated so well by speaker after speaker at a public meeting in Bombay. I will, however, say this, that in those discussions in the Council Mr. Mehta showed himself to be a match for the ablest of his Anglo-Indian opponents and a match for them in their several elements. Those who have read those discussions will agree with me that Mr. Mehta's contributions uniformly displayed the highest ability and skill as a debater, and that his speech on the Budget was calculated to raise even his reputation for grasp of principles and mastery of details. Member after member on the Government side rose on that occasion to demolish Mr. Mehta. Sir Charles Elliott, the Military Member, Sir Antony MacDonnell and Sir James Westland, each in his turn attacked Mr. Mehta, thereby only showing how strong was the case made out by Mr. Mehta in the opinion of Government themselves. The attempt of Sir James Westland to browbeat Mr. Mehta only recoiled on himself. He lost his temper when Mr. Mehta spoke in his vigorous manner of the defects of the Civil Service, and complained bitterly that Mr. Mehta was introducing a new spirit in the discussions in the Legislative Council, and ended by accusing him of uttering a calumny. When, however, the speeches of the two were published, the public was in a position to judge who it was that had uttered a calumny. The remarkable coolness with which Mr. Mehta behaved on the occasion elicited the admiration of the Calcutta *Statesman*. Throughout Mr. Mehta showed himself, as I have already said, to be a match for his opponents on their own ground, and, as the correspondent of a Madras paper well expressed it, he returned argument for argument, invective for invective, banter for banter, and ridicule for ridicule. Gentlemen, we are proud that our representative should have achieved so much glory. We are proud that even our friends in Calcutta thought his services to be so signal that under the leadership of Mr. W. C. Bonnerjee they presented a public address to Mr. Mehta to express their sense of gratitude, although they had their own member in the Council. Those of us who know Mr. Mehta know that he cannot much care for these compliments. We are aware that services such as he has rendered are their own reward. But we owe to ourselves a duty in the matter, and we shall best perform that duty by authorizing our President to convey an expression of our gratitude to Mr. Mehta in the manner suggested in this resolution. (Loud applause.)

Mr. R. P. Karandikar (of Satara) seconded the resolution in Marathi, and it was carried by acclamation. Mr. Karandikar said :—

It is but in the fitness of things that the Provincial Conference, voicing as it does the views of the Bombay Presidency, should proceed to pass a Resolution like the one which has been placed before you. The Provincial Conference forming an important factor of the great National Assembly, the National Congress has every reason to rejoice at the confidence reposed by the entire nation in our Bombay representative. Ever since the institution of the Congress, Mr. Mehta's name has been connected with all that was great and good in it. Those who have observed the powerful growth of popular opinion as represented by the Congress must have observed how steadily Mr. Mehta deserved the trust confided to him from time to time by this august assembly. If it is true that the present expansion and reconstitution of our Legislative Councils is largely due to the strenuous efforts of popular movements, of the Congress and the Conferences, this Conference has every reason to be proud of the present occasion when it has the opportunity of honouring Mr. Mehta, their first elected member of the Viceregal Legistive Council, and therefore honouring itself. It was in 1886 that the Congress advocated a scheme which was calculated to enable the elected members of the Local Legislative Council to elect members for the Viceregal Legislative Council. This hope has been realized. As soon as the Provincial Legislative Council was constituted, the choice fell on Mr. Mehta.

It is a matter of supreme satisfaction to see how completely at one were the Provincial Legislative Council and the Congress in this respect. For, gentlemen, the 5th Congress by Resolution No. 13, unanimously appointed Mr. Mehta as Standing Counsel for the Bombay Presidency, as it did Mr. Ananda Charlu for Madras. This in a measure is an index of how faithfully the Congress represents Indian public opinion. By various Resolutions the Congress in 1889, 1890 and 1892, appointed Mr. Mehta among others at some time to awaken public opinion in England in favour of India, and at others to draw up important documents such as India's petition to the House of Commons about the Public Service Commission. I have thus been able to place before you how steadily the confidence of the entire communities of India in Mr. Mehta is increasing, both in volume and quality, and it is equally satisfactory to note how scrupulously Mr. Mehta in his turn has been endeavouring to faithfully discharge the trust reposed in him. His public utterances, including those as Chairman of the Bombay Reception Committee, the President of the Provincial Conference, Poona, 1892, the President of the National Congress at Calcutta, have already given the pledges which were but a reciprocation of the confidence reposed in him. His career at Bombay is as glorious as the substantial march of whatever is noble and public-spirited in almost every public

institution. One and all were prepared to see what we have now so gladly to note.

Ever since the appointment of the Hon'ble Rao Saheb V. N. Mandlik, of whom we have every reason to be proud, public attention is closely devoted to the doings and sayings of our representative in the Legislative Council of India, and it is manifest we are not wanting either in outspokenness when there is an occasion to justly censure, or readiness when the occasion is of rejoicing.

We are equally jealous of the treatment that is accorded to our representative, especially to one of Mr. Mehta's standing and credentials. For any treatment afforded him is one actually to the whole nation. When members of the Executive Council therefore grow impatient of the attitude of our representative, the attitude of the entire Indian nation is as much impatient. And we are justly indignant at the treatment which in a weak moment a member of the Executive offered to our trusted representative. But a treatment of this kind may in one sense only heighten the value as fire enhances that of gold. He who stands out bold and unbaffled is really entitled to fame lasting and sure. This brings us to the scene in the Viceregal Legislative Council on the occasion of the Police Bill discussion. We have very great pleasure in testifying to the many excellent qualities which so highly fit Mr. Mehta for the honourable post, and Mr. Mehta may very well be likened to a big gun placed on one of the ramparts of the Fort of Unswerving Loyalty which the Indian Nation has built up. His was a responsible post, but the responsibility of the constituents was more than double. The President of the Conference has already stated the yeoman services rendered by Mr. Mehta to the country, and it is but proper that the Conference should pass the resolution with acclamation. Our only regret is that Mr. Mehta is not able to speak owing to indifferent health.

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Address presented by the Eighth Provincial Conference, held at Belgaum, in May 1895.

To—THE HONOURABLE PHEROZESHAH M. MEHTA, M.A., C.I.E.

SIR,—We, Delegates of the Eighth Bombay Provincial Conference assembled at Belgaum, beg to offer you a hearty welcome and tender to you our warmest thanks for your kind presence on this occasion. We are deeply sensible of the worry and inconvenience you have had in coming to this distant place at this time of the year. But great as may be your loss, our gain on the other hand is infinitely greater. Your presence has added prestige and honour to this Conference,

your counsels have guided and strengthened our deliberations, and your example as well as your word of encouragement have inspired us with faith and confidence in the success of our cause. Your commanding personality, your brilliant intellect, your captivating eloquence, your far-reaching sympathies, and your unceasing devotion to the service of your countrymen, have all contributed to give you a unique place among the public men of Western India, and we consider it a high and valued privilege to have the opportunity of welcoming you as a brother-delegate to this gathering of political workers of the entire Presidency.

2. Glad as we are to greet you here as a fellow-worker, our joy is infinitely enhanced when we recollect that you have come fresh from fighting the battles of the country in the Councils of the Government. Permit us on this occasion, to humbly express to you our sincere admiration and esteem, delight and satisfaction, gratitude and thankfulness for your services through a long career of a quarter of a century and notably during the last session of the Viceregal Council. We have met here as representatives of the Native public of this Presidency, and we deem it our duty on this occasion to signify to you and to the public at large as well as to the Government, our unabated confidence in you as a representative leader and spokesman of this Presidency and as the chosen advocate of the Indian people in the Councils of the Empire.

3. It is hardly necessary for us to recount the numerous services you have rendered ; how you have raised yourself in the public confidence and esteem step by step by honest, arduous and meritorious work, how by your sterling qualities of head and heart you have made yourself indispensable in all public movements ; and how at the present time, in the prime of manhood and fulness of honours, you stand almost alone as the trusted representative of the people. From the very outset of your public career, when you first appeared in the Framji Cowasji Hall, to speak on the subject of Municipal reform, you marked yourself out as a champion of popular rights of uncommon promise, and as a new political force of great power. Your paper at that early age showed a remarkable depth of learning, grasp of political principles and a wide range of political foresight. You fought the prevalent idea of Government by boards and drew up a scheme of Municipal government the wisdom of which was verified by its bodily adoption by the Bombay Legislature. At that early age you sounded the clarion note of the elective principle, a note which has since resounded and reverberated throughout the country. From that time forward you were in the front rank of Bombay political workers. You were always at the post whenever any work calling for bold and fearless action was on hand. You have borne a leading and honourable part in the new political awakening which came into

being since the glorious days of the Ripon regime, and which has found its permanent expression in the Indian National Congress. Ever since the dawn of this period you have been a conspicuous and effective worker in the political regeneration of this country and have achieved for yourself a position of unquestioned eminence as a leader of Indian political thought. When that first great triumph of the National Congress, the reform of the Legislative Councils, was carried out, you were chosen, with one accord, Bombay's representative in the Local as well as the Viceregal Councils.

4. Your work in the Viceregal Council during the last session calls for special acknowledgment. It adds one more title to our admiration and gratitude for your fearless championship of the popular cause. You were always ready at your post to guard our interests and to represent to our rulers the popular view of the different measures before the Council. Whether it was the Import Duties or Agriculturists' Relief, the Contagious Diseases Act, or the Police Act Amendment, the Restitution of Conjugal Rights or the Financial Statement that the Council considered, you were perfectly at home, always watchful how they affected the people, always alert to propose modifications, and to resist oppression and encroachment on popular liberty. Your command of political principles, your familiar acquaintance with law and constitutional history, added to your eloquence and ready retort, made you a formidable opponent and roused the fears of the officials as they surely must have won their respect. The bold stand you took in reference to the Police Bill was especially remarkable. You rightly brought into the debates of the Council 'a new spirit,' the spirit of just and fearless criticism which caused much needless alarm and fluttering in the official dove-cotes. But however vehement their protests, the dignified and well-balanced and yet firm attitude you took, disarmed their opposition and vindicated your action in the judgment of the public. Your survey of the Financial Statement describes with precision the true causes of our financial embarrassments. You have boldly challenged the Government position that Exchange is the only cause of such difficulties and affirmed that the growth of military expenditure, the frontier wars, the unequal distribution of the Home military charges and the Exchange Compensation Allowance are the chief rocks and shoals on which the vessel of Indian finance is likely to founder. We earnestly hope that the wholesome warnings you have given will be heeded by the Government for the welfare of the people.

5. You have thus by your vigilant, fearless, and able advocacy of the popular cause fully discharged the trust reposed in you and fulfilled the most sanguine expectations formed of you. The time for a fresh election of members to the Viceregal Council is not yet near, but we have every confidence that you will once more be

triumphantly returned as Bombay's elected representative. It is our earnest prayer that Providence may endow you with health and happiness and spare you for many a long year to serve your country with the same zeal, ability and singleness of purpose which have characterized your career in the past. May He bestow on you the choicest blessings of honour and reputation and may the country long enjoy the inestimable privilege of your leadership.

For and on behalf of the Delegates,

DINSHA EDULJI WACHA,

President.

BELGAUM,

May 14, 1895.

APPENDIX H.

[*From the "Bombay Gazette" of December 21, 1895.*]

PRESENTATION OF ADDRESSES TO THE HON'BLE MR. PHEROZESHAH M. MEHTA.

In return for the 'important, valuable, and varied services' rendered to India in general and to this city in particular, during the last quarter of a century as a public citizen, an address was voted to the Hon'ble Mr. Pherozeshah M. Mehta, M.A., C.I.E., at a public meeting of the citizens of Bombay, held in April last, under the presidency of our worthy citizen, Sir Dinsha M. Petit, Bart.; and it was resolved to present it to the honourable member at a public meeting. Owing to numerous calls on Mr. Mehta's time, it was not found possible to arrange an earlier meeting, and hence the delay in the presentation of this address, and also another one adopted by the Eighth Bombay Provincial Conference, held at Belgaum in May last, under the presidency of Mr. Dinsha E. Wacha. Both addresses were, however, formally presented at a large and representative meeting of the Native community held last evening in the Gaiety Theatre, which was crowded to its utmost capacity. Long before the appointed time, large numbers of people arrived, and by half-past four the Theatre was so crowded that many late arrivals could not even find space to stand. Every inch of space had its occupant, and the galleries and the platform were filled almost to suffocation. On the platform were not only the friends and admirers of the honourable member, belonging to the Mahomedan, Hindu, and the Parsee communities. The meeting was a thoroughly representative one, and it can be safely said that such a large assembly has seldom taken place in this city. The boisterous cheers of the spectators, who had collected outside the Theatre, was a signal of the arrival of Mr. Pherozeshah Mehta, who on entering the hall was received with deafening applause. The following gentlemen were noticed amongst those who were accommodated on the platform :—The Hon. Mr. R. M. Sayani; the Hon. Mr. C. H. Setalwad; The Hon. Mr. Daji Abaji Khare; Khan Bahadur Muncherji Cowasji Murzban, C.I.E.; Messrs. N.G. Chandavarkar; C.M. Cursetji; Dr. Bhalchandra Krishna Bhatawadekar; Messrs. Dinsha Edulji Wacha; Bhaishanker Nanabhoy; Luxmidass Khimji; Furdunji M. Kanga; K. R. Cama; Mansukhlal Mugutlal Munshi; N. V. Gokhale; Dr. Ismael Jan Mahomed; Dr. Atmaram Pandurang; Dr. A. D. Mody; Messrs. Maneckshah Jehangirshah Talyarkhan; Cursetji D. Shroff; Vandravandass Purshottamdas; Mulji Bhowanidas; J. C. Cama; Cowasji Dadabhoy Banaji; Dr. K. N. Bahadurji; Dr. Shantaram Vithal; Dr. M. G. Deshmukh; Dr. A. P. Cama; Dr. B. S. Shroff;

Dastur Pherozji Mullah Pheroz; Messrs. Nanabhoy R. Ranina; Rustom N. R. Ranina; Manchershah Sorabji Mehta; Cowasji Merwanji Shett; Jeejeebhoy Edulji Modi; P. D. Kanga; Ghellabhai Haridas; Sorabji N. Cooper; Ruttanshah Dadabhoy; Damodar Tapidass; Abdulla M. Dharamsi; Currimbhoy Ibrahim; Currimbhoy Nensy; Budroodin Abdoola Kur; Goculdas K. Parekh; and Naranji Dwarkadas.

After the cheering, which was continued for some moments, had subsided, Dr. Bhalchandra Krishna rose and proposed that the Hon. Mr. Sayani should take the chair.

Mr. Sayani, then, amidst much applause, took the chair.

The Chairman, in opening the proceedings, said :—I beg to thank you most heartily for calling me to the chair this evening. I hope you will all agree with me that we should have been all very much pleased if Sir Dinshah M. Petit, Bart., (cheers) who presided at the public meeting that voted the address to our esteemed friend, Mr. Mehta, would have been here to preside at this evening's proceedings—(applause)—but I am sorry to say that on account of the present state of his health, he was not able to attend this meeting. May his health be soon restored. (Cheers.) Gentlemen, you know that the business of this evening is to present two addresses to the Hon. Mr. Mehta. One of these addresses was voted by you in your public meeting in April last, the other being voted by the Provincial Conference that was held in Belgaum in May last. Gentlemen, I will not detain you by saying how heartily I agree with these two addresses, and with everything and anything that can be said in praise of our well-known fellow-citizen. I will not, therefore, detain you any longer, and I will at once proceed with the business of the evening and call upon my friend Mr. Chandavarkar, to read the address which was voted by you. (Cheers.)

Mr. Chandavarkar stepped forward, and read the address, which was published in these Reports at the time it was adopted at the public meeting, presided over by Sir Dinshah Petit, in April last. Mr. Dinsha Wacha, Chairman of the Eighth Provincial Conference, next came forward and read the address voted by that body at their annual meeting, held at Belgaum in May last.*

The Chairman then placed the addresses in two different silver caskets, which were beautiful works of art, and presented them to the Hon. Mr. Mehta, and in doing so he spoke as follows :—'I consider it a very high honour, in fact I deem it to be a privilege, that I should be the medium of handing over the addresses voted by the public of Bombay and by the Provincial Conference of Belgaum. I will reiterate the hopes and the prayers which have been mentioned in these two addresses, and which are the prayers and hopes of all your fellow-countrymen, that merciful Providence may give you long

* *Vide* Appendices F & G.

life and health—(cheers)—so that you may continue to render the useful and valuable services which you have rendered to this country for a number of years. (Cheers.) I have, no doubt, and all your countrymen will agree with me, that there is a still more glorious and brilliant career before you yet, and that you will still win higher honours. (Cheers.) But I have not the slightest doubt that you will consider that the approbation of your fellow-countrymen is the highest reward that a citizen can wish for. (Cheers.) I do trust that the addresses which are now being handed over to you, you will keep as heir-looms in your family, and that all our fellow countrymen in their own way, and according to their own ability and powers, will follow your example and render our country a peaceable, peaceful, and united whole.' (Loud cheers.)

The addresses were then handed to Mr. Mehta, who duly accepted them, and delivered his speech in reply, which is printed in the text (pp. 473-93).

At the close of the address, the Chairman announced that he had received a telegram from the President of a meeting held that day at Satara, heartily sympathising with the movement.

Amirchand, a native poet, stepped forward and recited some verses specially composed for the occasion, in which the various and valuable services rendered by Mr. Mehta to the people of India were set forth. The recital was much appreciated, and elicited warm applause from the audience.

Mr. Wacha proposed a vote of thanks to the proprietor of the Theatre for placing it at their disposal on the occasion, and the motion was unanimously adopted.

The Hon'ble Mr. Setalwad proposed a vote of thanks to the Chairman, and in doing so observed that the presence of Mr. Sayani showed that so far as this Presidency was concerned, Mahomedans, Hindus and Parsees were all combined in movements of that sort. (Applause.)

The motion was carried by acclamation, and this terminated the proceedings, which lasted for nearly two hours.

APPENDIX I.

ANGLO-INDIAN APPRECIATION.

When the title of K.C.I.E. was conferred on the Hon'ble Mr. Mehta on June 26, 1904, several Anglo-Indian papers published appreciations of him. Three of these are reprinted here as particularly noteworthy.

The *Englishman* wrote:—'The honour conferred on Mr. Pherozeshah Merwanjee Mehta, who receives the well-merited decoration of the K.C.I.E., will come perhaps upon certain people as a surprise. Mr. Mehta is the leader and representative of the Congress movement on the Bombay side, and used to be looked upon as something of a firebrand. He has, however, a most genial personality, which has broken through the reserve of the most cautious officials, and his brilliant abilities as a lawyer and a leader of thought will lend a distinction to the title which he now wears.'

The *Times of India* wrote:—'Perhaps the most interesting feature of the list is the Knight Commandership of the Order of the Indian Empire conferred upon the Hon. Mr. Pherozeshah Mehta. There have been frequent occasions when we have found ourselves in antagonism to Mr. Mehta upon controversial questions; but we have never failed to recognise that he is unquestionably the ablest representative of the non-official native community now in public life in India. This Presidency is proud to claim him as one of her sons, but his reputation and his work alike have extended over the whole country. To great experience, sound judgment, a cool head, and an exceptional gift of eloquence, he adds a sturdy courage in opposition, and a resolute and unswerving independence which have long earned for him the admiration of his supporters, and the respect of those who sometimes differ from his views. Time has mellowed and chastened the perhaps unrestrained ardour of Mr. Mehta's earlier years, but one honourable characteristic has been exemplified throughout his whole career; he has never stooped to palter with his own convictions in order to win official approval, but has fearlessly fought for the right as he conceived it. An alert and strenuous antagonist, he has never forgotten that meed of courtesy to opponents which is one of the finest traits of English public life; and in that respect, as in many other ways, he has set an example which some of his compatriots might well profit by. Possibly the greatest of Mr. Mehta's labours has been the sincere and devoted work he has done for many years for the advancement of the city of Bombay. Despite the attractions of the larger arena of Imperial politics, he has with

untiring industry and striking self-abnegation sacrificed a great portion of his time in the narrower sphere of local self-government; without him the Bombay Corporation as it exists to-day, would be a body commanding in an appreciably less degree the confidence of the public. Had he done nothing else than exalt this high ideal of true citizenship before his countrymen, he would have deserved well of the Government. And in commending him to the notice of the Crown, Lord Curzon has shown that generous appreciation of great ability and strength and honesty of purpose, which one would have expected from a statesman of his reputation.'

The *Indian Daily News* wrote :—'The outstanding circumstance of the Birthday Honours List issued at Simla yesterday is the K. C. I. E. conferred on Mr. Pherozeshah Merwanjee Mehta. When in 1894 Lord Lansdowne made him a C. I. E., all the country wondered; one-half why the honour was given, the other half why it was accepted. Lord Lansdowne's administration had no more vigilant and trenchant critic than Mr. Mehta, whose connection with the Indian National Congress and the Bombay Presidency Association made his name *anathema maranatha* among the officials of India. The Viceroy, however, had a soul above petty bureaucratic spite, and Lord Harris, the Governor of Bombay, was a thorough sportsman with all a sportsman's instincts of fair play and generous admiration for a puissant antagonist. Mr. Mehta's labours in the Imperial and Bombay Legislative Councils were singularly disinterested, and he had only the public welfare at heart. His criticism of official measures was not all destructive, on the contrary both rulers admitted its helpfulness. No distinction could have been better deserved, and Mr. Mehta displayed his magnanimity by accepting it, his acquiescence in the official procedure being in pleasing contrast to the ungracious refusal of a smaller boon by another Zoroastrian public man. The popular statesman's friends applauded his action when they were acquainted with the motive, and even in their first surprise they knew that his patriotism was proof against a bit of ribband. His subsequent conduct has justified their confidence. He is still an active member of the Congress, whose annual meeting he will engineer at Bombay in December next. The Government have not found him more complaisant than before he was decorated; but Lords Elgin and Curzon have both publicly acknowledged the value of his watchful, intrepid, and independent criticism in the conduct of public affairs, and three Governors of Bombay, namely, Lords Sandhurst, Northcote, and Lamington, have given him their unstinted admiration. Lord Northcote was a close personal friend in spite of Mr. Mehta's vigorous and unusual protest against the great Land Bill which was passed in the teeth of an unanimous unofficial opposition. Pherozeshah M. Mehta is the first Indian of the

day in the eminence of a practical intellect, the ascendency of popular estimation, and the weight of achievement both in his private capacity as a Barrister-at-Law and in his public career as a statesman. In Bombay itself, the Parsee stronghold, he is an autocratic and un crowned king as Parnell was in Ireland during the Land League agitation; and it must be recorded to his credit that he has used his great power in the best interests of the city. Bombay has a municipal constitution unique in the whole scheme of local self-government. It gives the rate-payers a franchise possessed by no others in the East. Mr. Mehta was the father of that Municipal Act, and he has guided the administration with marvellous tact and ability since the time of Lord Reay. There are few Municipalities in which popular representation has so justified itself as in Bombay, and that result is due to Pherozeshah Mehta. His new title will not increase the affection of his countrymen or the admiration of Englishmen, but both sections of the population will applaud Lord Curzon for a measure as disinterested as it is acceptable.'

APPENDIX J.

APPRECIATION BY MR. J. MACDONALD, PRESIDENT OF THE CORPORATION.

An adjourned meeting of the Bombay Municipal Corporation was held in the Council Hall of the Municipal Office, Mr. J. Macdonald presiding.

The President said :—Gentlemen,—It is my duty and privilege, as a humble occupant of this chair, to make a short reference to a matter about which I am sure there is a perfect consensus of opinion —the honour which Government has conferred upon itself as well as on us, as a Corporation, in conferring upon our esteemed colleague, the Hon. Mr. Pherozeshah M. Mehta, the dignity of a Knighthood of the Indian Empire. (Applause.) I cannot deny myself the gratification of expressing the satisfaction I feel that this marked distinction should have been conferred in the year in which I have the honour to be President. It certainly is to me, and I dare say to you, the most interesting feature of the Honours List that one who is unquestionably the ablest representative of the non-official native community now in public life in India, should at length receive the distinction to which his many valuable services have so long entitled him. (Hear, hear, and applause.) India is proud of him—(hear, hear)—the Western Presidency, particularly so ; but how much more intimately should we feel pride in the recognition of the merits of our fellow-citizen, our fellow-Corporator. (Loud applause.) We in this Corporation well know, and very highly value, his exceptional gift of eloquence, clear insight, sound judgment, cool-headedness, resolute courage, unswerving integrity and independence, crowned with unique practical knowledge and experience of Municipal matters, all combined with unfailing courtesy to friend and foe, and a spirit which rises to an occasion in proportion as he meets a foeman worthy of his steel, possessing, in short, every disposition becoming a man who has with the greatest self-denial devoted himself to public service. (Cheers.) Knowing all this, does it not come well within the sphere of our duty while leaving the larger outside to its own expressions of satisfaction, that we keep in faithful remembrance the marvellous amount of time and of trouble so long, so capably, and so devotedly given up to guarding and promoting the best interests of this Municipality. (Hear, hear.) Gentlemen, let not the fewness and feebleness of my words mar the unanimous and full expression of approbation of this reward to one whom the King-Emperor has delighted to honour for very excellent services. (Applause.) I am done, gentlemen, and in

honour of the occasion I would that I could now with propriety call upon you to give such a cheer for Sir Pherozeshah Mehta as will shake our walls to their foundations. (Loud and prolonged cheers.)

Sir Pherozeshah Mehta, who was received with loud cheers, said :—Gentlemen,—I am not going to make at present a long reply except to say that I am grateful to the President and members of the Corporation for all that has been said about me. (Cheers.)

The President. For the present, Sir, this is all we shall allow you to say. (Laughter and applause.)

Among those present as outsiders was the Hon. Mr. G. K. Gokhale, C. I. E.

APPENDIX K.

MUNICIPAL CONGRATULATIONS TO THE NEW PARSI KNIGHT.

[*From the "Times of India" of July* 15, 1904.]

A special meeting of the Bombay Municipal Corporation was held yesterday in the Council Hall of the Municipal office for the purpose of passing a resolution congratulating Sir Pherozeshah M. Mehta on his being created a Knight Commander of the Most Eminent Order of the Indian Empire. There was a full attendance of members of the Corporation, and the strangers' galleries were packed with the general public. A large number of well-known citizens were also accommodated in the Council Hall.

Exactly at 3 p. m., Mr. James Macdonald, the President, rose and in addressing the meeting, said :—Gentlemen, you have heard so much of my voice on the subject of this meeting on a previous occasion that I shall not attempt to inflict upon you the task of hearing more from me at present, and I am the more reconciled to limit the expression of my sentiments, as I know, and full well, that every sentiment of approbation and admiration which I might weakly attempt to express will be more fully and eloquently placed before you, by other and abler councillors. I, therefore, call upon Sir Bhalchandra Krishna to move the resolution entrusted to him. (Applause.)

THE RESOLUTION.

Sir Bhalchandra Krishna said.—Mr. President,—We meet to-day to express our gratification and offer our hearty congratulations to Sir Pherozeshah M. Mehta on his appointment as Knight Commander of the Most Eminent Order of the Indian Empire. I esteem it a highly valued privilege to be called upon to lay before you the following proposition :—

'That this Corporation desire to place on record their sense of gratification at the appointment as Knight Commander of the Most Eminent Order of the Indian Empire, of the Hon. Mr. Pherozeshah Merwanji Mehta, C.I.E., M.A., who, besides the great and valuable work done by him for the country and Empire in manifold directions for a long series of years has, with exemplary self-sacrifice and integrity of purpose rendered unique services to the city of Bombay as a member of this Corporation for the last 32 years ;

'That this Corporation tender their warm and hearty congratulations to Sir Phrozeshah M. Mehta for the honour done to him by his Gracious Majesty the King-Emperor ;

'That a copy of this resolution be forwarded to Sir Pherozeshah M. Mehta, K.C.I.E.'

Sir Bhalchandra, continuing, said: The K.C.I.E. is a rare honour, and when bestowed on a private citizen it marks conspicuous merit. But valuable as is the honour, it was never more fitly bestowed. The only point about it is that it was so long in coming. By its bestowal upon our fellow-councillor we feel a kind of reflected glory falling upon us. We feel we are ourselves honoured in the person of our friend and colleague. We feel a personal pride and pleasure at the honour having been conferred on one we all esteem so highly, and one whom we have the privilege to count as one of ourselves. Sir P. M. Mehta's public services have been many and various, but this is not the time to dwell upon his services to the country at large. On the present occasion I must confine myself to his municipal services rendered to this city during a period of over 30 years. In the midst of a most active public life and a busy professional career he has given ungrudgingly his time and talents to the service of this city. He may be fitly called the Father of the Corporation. If I mistake not, he is the only member of the Corporation, now living, who was connected with the old Bench of Justices.

SIR PHEROZESHAH'S WORK.

He became a member of that body in November 1870. At that time there was a considerable discontent about the work of the Justices, and Sir P.M. Mehta read a paper on Municipal Government in which he sketched with remarkable prescience a scheme of an elected Municipal Corporation almost identical in constitution with the one adopted in the Act of 1872. In shaping the Act of 1888 also he bore a personal part as member of the Bombay Legislative Council. Thus in bringing into existence the present constitution of the Corporation, Sir P. M. Mehta took a conspicuously active and helpful part. In the meetings of the Corporation itself he has been a most regular, painstaking, and useful member. With a singularly clear head and almost unerring judgment, with unrivalled and persuasive eloquence and readiness in debate, with consummate mastery of the Municipal history of the city, and with the prestige which comes from long standing and experience, he has been an indispensable guide in all our deliberations (applause), one who without party considerations has held the balance evenly between the Municipal Executive and the so-called opposition, and has led the Corporation on many an occasion to take practically sound views on important questions. He has been so unremitting in his attendance that in the course of 32 years he had occasion to seek leave of absence only on three occasions, on two of which he was engaged in the Viceregal Council. When in town, he is invariably present at the Corporation meetings. How much our

debates benefit by his tactful guidance, his practical common sense, his clear judgment and his convincing eloquence, every one here will testify to by personal knowledge. Among the numerous subjects which have received special attention from him I may note : (1) Government contribution in aid of primary education, (2) the relative responsibility of Government and the Corporation as to the cost of medical relief in Bombay, (3) the apportionment of plague charges and the powers of the plague committee, (4) drainage, (5) the apportionment of the police charges, (6) the Corporation's share of the liquor license fees, (7) the fight with the Tramway Company, and (8) water supply. Outside the Corporation, too, he has loyally supported the Corporation's interest. He has been the Corporation's representative in the Bombay Legislative Council ever since the amendment of the Indian Councils Act, and in that capacity he has never failed to stand up by the Corporation whenever the occasion required it. When the Bombay Improvement Trust Bill was before the Council, Sir P. M. (then Mr.) Mehta was in England. His Excellency Lord Sandhurst was so impressed with the value of his presence in the Council that he offered to postpone the reading of the Bill if Sir P. M. Mehta would return and take his seat in the Council. It was then arranged that Sir P. M. Mehta should expedite his return. The Corporation elected him as its representative in the Council, and he was able to return in time for the second reading. How well he did his work and how he proved a tower of strength to the popular side in the Council only those who were intimately associated with him can fully appreciate.

HIS CHARACTERISTICS.

Whether in or out of the Corporation Sir P. M. Mehta has been characterised by one quality more than another, and that is his fearless independence. (Applause.) Not a mere man of ideas but of convictions, he has the rare gift of asserting those convictions in the face of difficulties whether they came from officials or non-officials. His public career is remarkable for this, that he has stood on occasions against his own people as he has stood against Government whenever he thought the public or Government was wrong. This is a trait of character which deserves to be appreciated particularly because it shows that we have in him a public man who thinks for himself and is not swayed by personal considerations. He is a brilliant criminal lawyer, and if he had chosen he might have commanded a roaring practice in his profession, but his love for the Corporation has been greater than his love of self-interest, and he has often preferred to be in his seat in the Corporation Hall rather than in his seat in the Court. In the Viceregal Legislat ve Council he showed a degree of fearlessness and independence in his criticism of Government measures that it called forth some resentment on the part of some of the Govern-

ment members, but he was unmoved in his course and the fearless criticism which he then made on the introduction of the new spirit in the august Council Chamber was made the occasion of a popular demonstration in his honour on his return to Bombay. (Applause.) The recognition of his sterling merit and life-long work by the Government has come after all, and it is all the more grateful to us, his friends, in so far as it is an assurance of genuine appreciation. Sir P. M. Mehta has endeared himself to us all by broad-minded sympathies and the utter absence of pettiness or sectional bias in him. He is always actuated by lofty principles and genuine patriotism. His unremitting attendance at the meetings of the Corporation as well as its numerous committees has involved an amount of self-sacrifice on his part which few outside the circle of his intimate friends can have any conception of. (Applause.) With such brilliant antecedents Sir P. M. Mehta will have a long and yet more brilliant career in the future. His powers of head and heart are still unabated, and let us pray the Almighty will long spare him to serve the city as well as the country as zealously as he has done in the past. With these few observations I commend this proposition to your unanimous acceptance. (Loud applause.)

HIS SERVICES UNIQUE.

The Hon. Mr. Ibrahim Rahimtoola said:—Mr. President,—I have much pleasure in seconding the resolution which has been moved by Sir Bhalchandra Krishna, and, in doing so, echo the sentiments to which he has given expression. It is asked why the Corporation has taken the unusual course of having a special meeting on this occasion. I say it is because Sir Pherozeshah's services are unusual, nay, they are unique, and it is but right that such pre-eminent services should be recognised in a befitting manner. We all know that the consideration of important subjects has had at times to be postponed in the absence of Sir Pherozeshah. Meetings have been called to suit his convenience when really important questions have had to be discussed. But such occasions have been very few. Sir Pherozeshah is one of those Councillors who make it a point of attending almost every meeting from beginning to end. It is not unknown to the Councillors that the proceedings of an unfinished debate have been prolonged on two or three occasions, when through some unavoidable cause Sir Pherozeshah has been unable to attend at the commencement of a meeting. I mention this merely to show that the Corporation as a whole consider his presence indispensable when really important matters are to be discussed and decided. The question arises how he has attained that position. I say, he has done so by his great abilities, his extensive experience and judicial mind, coupled with untiring energy, whole-hearted devotion to duty, his single-

ness of purpose, and above all his self-sacrifices. In Sir Pherozeshah we find both the Bench and the Bar combined. He is both a judge and an advocate. He approaches every question with an open mind and bestows careful consideration on every argument for and against before making up his mind. When once he has formed his conclusions he becomes an advocate, and fearlessly espouses the cause with a vigour and a strength of argument well-nigh unanswerable. His success is due not so much to his ability as an advocate—though that goes a great way—but to his invariable practice of judicially weighing all arguments beforehand with an open mind and not coming to hasty and immature conclusions. (Hear, hear.) And, gentlemen, he has never shrunk from paying the penalty of having an open mind on all questions. There is a certain class of the public who imagine that real public service lies in opposing everything that emanates from the officers, be they Municipal or be they Government. If any one has the temerity at times of speaking in favour of such officers, however just their cause may be, he is charged by this class with vacillation. Sir Pherozeshah has never cared for the opinions of such people. We all know how at times he has been an uncompromising critic of the officials and how on other occasions their doughty champion. His sense of justice revolts against undue blame or censure being passed on any one, be he an official or a non official.

APPRECIATION OF THE HONOUR.

What a noble example to emulate. It is with a view to placing on record our appreciation of such a career that the unusual course of calling a special meeting has been adopted, and I feel sure you will all agree with me when I say that we are fully justified in convening it. I will now refer to another question, viz., Why do the public rejoice at the honour of knighthood that has been conferred upon Mr. Mehta ? What difference does it make whether the honourable gentleman is called Mr. Mehta or Sir Pherozeshah ? I will say at once that it makes not the slightest difference whether our popular citizen is called Mr. Mehta or Sir Pherozeshah Mehta. The difference lies in the recognition by the King-Emperor of a career which is held in high estimation by the people. (Applause.) We Indians are essentially a conservative people and we hold the ruling sovereign in great veneration. We value very highly any mark of appreciation and recognition that emanates from his Majesty. It is because the services of a man like Mr. Mehta have been so appreciated and recognised that we all rejoice and wish to offer him our sincere and hearty congratulations. We congratulate him because he has set a noble example of public usefulness, which has won the appreciation of both the rulers and the ruled, an example which will serve for emu-

lation for a very long time to come. The value of a life like Sir Pherozeshah's is not to be gauged merely by the amount of useful work done by him, and this is very great, but by the example he sets for others to imitate and try to do the same. In conclusion, I readily admit that our rejoicings are not free from a tinge of selfishness, because in honouring Sir Pherozeshah we desire that all the other public men should endeavour to act up to him and thereby prove more useful to their country, and further we desire that Sir Pherozeshah should continue to serve his country as ably and as zealously for very many years to come. (Loud applause.)

STATESMANLIKE QUALITIES.

Colonel H. P. Dimmock said he had great pleasure in rising to support the motion that had been moved by Sir Bhalchandra in such eloquent terms and seconded by the Hon. Mr. Ibrahim in equally eloquent words. He was sure that all of them by the expression which they had given to their appreciation of those remarks showed how very much they were in accord with the object of that meeting that day which was to show the appreciation of that body—a public representation of the city of Bombay—of the eminent services that Sir Pherozeshah had rendered to the city of his birth. Those of them who had sat upon that board and had had an opportunity of listening to the eloquent speeches that Sir Pherozeshah had so frequently favoured them with, had always been struck with the objects he had at heart, and of those objects the interests of the great city of Bombay came first and foremost. He thought that was the reason why they had a full gathering that day. Not only in that Corporation had his services called forth the admiration of his friends, but even beyond the precincts of the Bombay Municipal Hall the Hon. Sir Pherozeshah had shown all those characteristics of statesmanship, which had conduced to this ultimate result, the honour that had been conferred upon him. His powers of debate had no doubt been of very great service to the Municipality, because very often they had some very knotty subjects to discuss, and it was of very great importance that they should have a man who had the grasp of all municipal subjects so closely as Sir Pherozeshah had, and who was able to unravel the tangled web which sometimes led them into confusion. However, it was not alone in debate that Sir Pherozeshah showed his power of rendering assistance to the City. The very lowest of the citizens might be sure that if there was any difficulty, and if there was any point upon which justice should be administered in the Corporation, they might depend upon Sir Pherozeshah to give the utmost of his powers to it. (Applause.) In conclusion, he asked the Corporation to accept his hearty support in favour of the motion. (Loud applause.)

Mr. T. W. Cuffe said he supposed never in the whole history of the Corporation had such a complete unanimity of feeling prevailed in regard to a proposition in which they desired to express their keen appreciation of an honour done to a distinguished member of their body. He could not go back to the earlier days of local self-government, but if it had passed through the period of infancy, and if it was established on the solid footing which they all believe it had occupied, there was no man living who could be more honestly said to have contributed to that end than his friend Sir Pherozeshah Mehta. (Applause.) The City and the Corporation combined lay under a considerable debt of obligation to Sir P. M. Mehta, whose name would always be associated with all that was best in local self-government. (Applause.) He (Mr. Cuffe) had the privilege of being associated with him in the Municipal work for a number of years, and that which always appealed to him was that broad, tolerant attitude which he assumed in all matters relating to the various communities of that city—that complete absence of sectarian spirit, which alone would render it possible to work in that harmony which they all desired to see to be the distinguishing feature of their debates. He was sure that every member of every community in Bombay desired to join Sir Bhalchandra in expressing the hope that Sir Pherozeshah might be spared for many years to come to aid the Corporation with his ripe experience which had been of such immense value in the past and which was absolutely indispensable for the future. (Applause.)

FACTORY FOR PUBLIC MEN.

Dr. N. N. Katrak, in further supporting the resolution, said if honour, and especially public honour, was to be regarded as a mark of recognition or appreciation of the public services of an individual, never was it more richly deserved and more aptly bestowed than in the present instance. They, the seventy-two members of the Corporation, were called the Fathers of the City. Whether such a term was appropriately applied to them was a matter of opinion, but Sir Pherozeshah was a civic father in every sense of the word. (Applause.) Not only was the present Municipal constitution Sir Pherozeshah's own handiwork, but he ventured to say that a considerable number of members of this Corporation, who had any Municipal career to speak of, owed a great deal to the encouragement and the sound and wholesome advice given to them by Sir Pherozeshah. (Hear, hear.) In fact, it was stated that the chamber of Sir Pherozeshah was a factory where public men were turned out. (Applause.)

Mr. Hormusji S. Chothia said, since the formation of the Municipal Corporation about half a dozen members had been knighted by the Government, but this was the first occasion when a special meeting had been called to express the approbation of the Corporation at the

honour bestowed upon a member. He was glad that a precedent was now created, and trusted that it would be followed on future occasions when any of their colleagues were similarly honoured.

Mr. D. E. Wacha observed that he intended to speak very little on the present occasion owing, as members of the Corporation were aware, to his life-long and intimate relations with the distinguished person whom they were specially called together this afternoon to honour. Those relations began in the early fifties. They were school companions till they nominally parted for a time and lost sight of each other, while pursuing their respective avocations. But they had come again by a happy conjunction of stars to be once more closely associated not only in the public life of this Presidency but that of all India. He ventured to think that in this Corporation he could safely lay claim, therefore, to speak with his larger experience and greater authority than any one else. (Hear, hear.) It was superfluous for him to add his own tribute of praise to the many deserving eulogies pronounced on the sterling worth of Sir Pherozeshah by his friends, Sir Bhalchandra, Mr. Ibrahim Rahimtoola, Colonel Dimmock, and the other speakers. In the public life of the whole country, Sir Pherozeshah might be considered as a gem of the purest ray serene. (Loud applause.) But he was going to confine himself strictly to only one or two important landmarks of Sir Pherozeshah's Municipal career. The invaluable work which he had done in connexion with the city for fully thirty years was inscribed in letters of the deepest gold on the pages of the annual Administration Reports. In Mr. Wacha's opinion the two persons above all others, to whom Bombay was vastly indebted for her present civic greatness, were Mr. Arthur Crawford and Sir P. M. Mehta. (Cheers.)

PUBLIC-SPIRITED CITIZENS.

Mr. Crawford was the 'facile princeps' of Municipal Commissioners, but in advance of his times. He had high ideals of municipal greatness for Bombay. In his days only primitive ideas prevailed as to sanitary and other municipal requirements, and Bombay primarily owed her sanitary progress to his energy and organising talent. He laid the first solid foundation of it. No doubt, his extravagance cost him dearly, yet he (Mr. Wacha) ventured to say that that Commissioner really deserved a statue. (Hear, hear.) After him came a stalwart band of public-spirited citizens who greatly helped the cause of municipal progress at an important stage. These were Messrs. Forbes, Maclean, Geary, Nowrozjee Furdoonji, Mandlik, Sorabji Shapurji, Martin Wood, Colonel Hancock, Dr. Peterson, Major Selby, and others. Many of these were gathered to their majority. Only a handful remained. Sir Pherozeshah was associated with them. But another period of greater and more salutary progress came and the

city owed it almost entirely to Sir Pherozeshah the liberal civic charter she now possessed. The Municipal Act by which she was now governed was his handiwork and that of Mr. Telang. Originally the Bill was drafted by Sir Charles Ollivant, based on a mischievous principle. The Commissioner was to be the master of the Corporation, and the Corporation was to be his slave. (Hear, hear.) But Sir Pherozeshah scented the evil of such a reactionary measure and strove hard to cast over-board the Bill framed on those lines, and he amply succeeded. He made the Municipal Corporation the administrative body while the Municipal Commissioner was its executive. The ultimate tribunal and supreme authority was the Corporation. It was because Sir Pherozeshah was the real author of the present Act that he had been able to interpret so many knotty points that had arisen from time to time. Throughout all these fifteen years that the Act had been in operation, there had been no more cautious navigator of marked ability, great sagacity and judgment than he. Times out of number had he steered the Municipal bark from many a dangerous Scylla and more dangerous Charybdis, and brought it to a haven of safety. (Loud applause.) These were the important services rendered by Sir Pherozeshah to the Municipality, not to say aught of the numerous weighty memorials to Government which were framed by him ; and it was on that account that he deservedly enjoyed to-day the hegemony of the Corporation. (Applause.)

WHERE LAWYERS ARE VALUABLE.

It had been said in and out of the Corporation that in that body there were too many lawyers and doctors. He left the latter alone for the present. But as to the former he could inquire whether there was any deliberative assembly in the world where lawyers were not numerous and prominent. Of course there were doctors and lawyers. He was not there speaking of the briefless lawyers with only sawdust in their brains. (Laughter.) He was speaking of those trained and disciplined lawyers, men of great *ability*, juridical lore, eloquence, and well versed in constitutional history. What might have been the history of England but for lawyers of that class ? Let him name a few of the past. There were Mansfield, Seldon, Romilly ; again there was Hampden. Who could forget the great Burke ? Coming nearer to our times there were Lord Selborne and Lord Herschell. Even in the present Parliament had they not a Harcourt and an Asquith ? What power and influence they wielded ! Well, Mr. Wacha observed, Sir Pherozeshah really belonged to that eminent class of constitutional lawyers. Like them he was the champion of the rights and liberties of the people. (Loud applause.) Had his lot been cast in the House of Commons, he would say without fear of contradiction that Sir Pherozeshah would have made his mark there

and remained one of the shining lights of the front bench. (Cheers.) It was this distinguished citizen whom the Corporation had met that day to honour. And if Mr. Wacha might be permitted to summarise the popularity and success of Sir Pherozeshah, he would do so in the words of Lord Selborne, better known in England as Sir Roundell Palmer. Some might think that the words that that Lord High Chancellor applied to Mr. Gladstone might be over-much when applied to Sir Pherozeshah. But Mr. Wacha firmly believed and felt that they could be most aptly and deservedly applied to Sir Pherozeshah. Said Lord Selborne of Mr. Gladstone years ago when he was at the zenith of his fame : "It does not lie in his great accomplishments, his wonderful ability, his extraordinary eloquence, though all these things do demand our admiration. But the people understand him. They know that he has a profound sympathy with them, that he has nothing at heart but duty to promote their interests according to his honest views of them, and whether he judges rightly or wrongly about this question or that, and, of course, all of us are liable to error and none pretend to infallibility—they know that he is a man actuated only by the purest motives and that he presents the highest example of private integrity.' (Cheers.) Let the rising generation of young men profit by the example of Sir Pherozeshah, and let each of them strive to emulate his brilliant and unique Municipal career. Let all cordially wish that Sir Pherozeshah might long be spared to govern the destinies of this great civic organisation which has been a model to all other local self-governments in the country and leave footprints behind him in the sands of time which those coming after him might tread and follow and nobly strive to maintain for the city that proud motto which was emblazoned on her banner. (Loud applause.)

OTHER SPEAKERS.

Khan Bahadur M. C. Murzban said Sir Pherozeshah always obeyed the ruling of the President, however much he might differ from it at the time. This was an example, which, he thought, should be followed by all the members of the Corporation.

Dr. Jehanghir J. Cursetji referred to the spirit of fairness which Sir Pherozeshah evinced during the discussions in the Corporation.

Dr. Naik said the younger members of the Corporation found in Sir Pherozeshah a most valuable guide and adviser.

Dr. N. H. Sukhia referred to the various services rendered to the Corporation by Sir Pherozeshah, who, he said, was the uncrowned king of the Bombay Municipal Corporation. He then proceeded to comment upon the manner in which Government bestowed titles on citizens, and while he was on this subject, frequent points of order were raised by members, who asked whether Dr. Sukhia was there

to deliver a lecture before them. The President having pointed out the inadvisability of entering into such a question, Dr. Sukhia dropped the subject and proceeded to speak on 'the virtues and failings,' as he said, of Sir Pherozeshah. He observed that Sir Pherozeshah's virtues far outweighed his failings, which were his supposed infallibility, his intolerance and his absolutism. The latter part of the remarks was met with hisses. Continuing, Dr. Sukhia said he not only admired and respected Sir Pherozeshah, but also loved him. (Loud laughter.)

Mr. Mulji B. Barbhaya said the one great thing he had admired in Sir Pherozeshah was his loyal attitude to the Government, even while discussing a subject in which he took sides against the Government.

The Hon. Mr. H. S. Dixit said Sir Pherozeshah was always accessible to any one who sought his advice. He knew that many corporators consulted Sir Pherozeshah in his chambers on important questions relating to the Municipal affairs, and he treated them with admirable patience and courtesy. (Applause.)

The proposition was then put to the vote and carried with acclamation.

APPENDIX L.

APPRECIATION BY SIR JAMSETJEE JEEJEEBHOY, BART.

[*From the "Oriental Review" of Bombay.*]

Never before in the history of the Parsis in India have so many distinguished members of the community met around the festive board as at the public dinner given on the 11th August 1904, by the Ripon Club to the Hon'ble Sir Pherozeshah Merwanjee Mehta, K.C.I.E., to congratulate him on the honour of Knighthood conferred upon him by his Gracious Majesty the King-Emperor in celebration of his birthday. Not only was the *creme de la creme* of the community, with some of the most distinguished citizens belonging to other creeds, present, but so intense was the enthusiasm, and so genuine the ovation accorded to this greatest of the citizens of the continent of India, as to be tangibly felt by all who had the privilege of taking part in the entertainment.

The guest of the evening arrived a few minutes before eight o'clock and was received by Mr. C. M. Cursetjee and Mr. Rustom K. R. Cama, the Secretaries of the Banquet Committee. After a short interval passed in conversation in the extemporized hall, there was a sort of a march past to the dining hall on the second floor. Sir Jamsetjee Jeejeebhoy, Bart., who is President of the Club, was in the chair, the Hon'ble Sir P. M. Mehta occupying a seat on the President's right hand. Among the guests invited by the Club were the Hon. Mr. Justice Badruddin Tyabji, the Hon. Mr. Justice N. G. Chandavarkar, Mr. Currimbhoy Ibrahim, the Hon. Mr. Ibrahim Rahimtoola, the Hon. Mr. Daji Abaji Khare, the Hon. Mr. C. H. Setalvad, Rao Bahadur Wasudev Jugganath Kirtikar, Mr. K. R. Cama, Mr. Mahomedali Adamji Peerbhoy, Mr. Sassoon J. David, and Mr. Ahmedbhoy Habibbhoy. A regimental band was in attendance and played a selection of music.

After the *menu* had been discussed, the Chairman gave the toast of the King-Emperor which was enthusiastically acknowledged, the band playing a bar of the National Anthem.

Sir Jamsetjee, before giving the toast of the guest of the evening, read out the following telegram received from Mr. Framroz E. Punthaky of Karachi :—'I am requested by a meeting of the Parsis of Karachi to send hearty congratulations to the Hon'ble Sir Pherozeshah Merwanjee Mehta, K. C. I. E., on the honour conferred upon him by the King-Emperor and to wish their distinguished co-religionist, success, prosperity and a long and happy life.'

The Chairman who was received with cheers then said :—Gentlemen,—The Ripon Club has before to-day played the host to many notabilities, some of them ruling Princes and Chiefs ; but I can say without exaggeration that rarely has it had a guest more popular, or standing higher in the public estimation than Sir Pherozeshah Merwanjee Mehta, whom it is our good fortune to entertain this evening. My task therefore of submitting this toast for your acceptance is rendered easy as its cordial and enthusiastic reception is assured without any effort of rhetoric on my part. The welcome news that H. M. the King-Emperor was pleased to honour Sir Pherozeshah by conferring on him the well-merited distinction of a Knight Commandership of the Indian Empire was as we know received with universal gratification throughout the length and breadth of the country, but my fellow-members of the Ripon Club will bear me out when I say that their joy on the occasion was even greater. It could have been only exceeded perhaps by the announcement that each individual member had been gazetted a K. C. I. E., straight off. That the Ripon Club should rejoice over Sir Pherozeshah's elevation was only natural, for unless I am very much mistaken, if the Club does not owe its inception to Sir Pherozeshah alone, he certainly was amongst the foremost of those instrumental in bringing it into existence.

Talking of things which owe their existence to Sir Pherozeshah reminds me of his many-sided activity Hardly had our guest returned from England after being called to the Bar when he entered public life. To Sir Pherozeshah belongs the credit of foreshadowing in the early seventies the present Municipal constitution of Bombay and for him may be claimed the unique distinction of having helped more than most of his non official colleagues on the Legislative Council, in the framing of the Municipal Act now in force. The intimate knowledge possessed by our guest is patent to all who are on the Corporation, or who read its proceedings. Scarcely a question regarding the construction or meaning to be put upon any provision in the Act arises that Sir Pherozeshah Mehta is not looked up to and is able to furnish an answer to the satisfaction of his colleagues. To be always clear, cool and decided in helping to determine knotty points that arise from time to time with a courteousness and sweet reasonableness all his own ; to wade through a mass of papers on the numerous weighty matters that frequently come before the Corporation for discussion, and to sum up and help the members to a decision in reference to them as Sir Pherozeshah Mehta invariably does is no light task even for the ablest of Corporators. Friends and opponents alike will admit that more than any other citizen has our distinguished guest helped in the proper and equitable administration of the Municipal law he has had so large a hand in giving to the City of Bombay. Whilst ever ready to see the authority o fthe

Municipal Commissioner upheld, and ever alert in putting the Corporation on its guard against interfering in his executive functions, Sir Pherozeshah has been the staunch and unswerving supporter of popular privileges and jealous of the slightest encroachments on the rights of our Civic Parliament. If you consider Sir Pherozeshah's regular attendance at meetings of the Corporation, with which he has now been connected for upwards of the past 30 years; if you also bear in mind the number of important committees of the Corporation on which he has sat because his presence at their deliberations was indispensable; and if you at the same time recall the number of questions of vital importance to the City effectually dealt with, with his help, and the number of questions still under consideration with the assistance of Sir Pherozeshah's ripe experience and sound judgment, you will get some idea of the time and trouble he has devoted to the City's interests. To a lawyer, and a lawyer of Sir Pherozeshah's calibre with an extensive practice at his back, time and trouble, as you can well understand, means a great deal. The hours spent and the trouble taken from week to week, from month to month, and from year to year in the Municipal Hall for the past three decades, if computed at their value would amount to, I am afraid to say how much. Calculate it for yourselves, gentlemen, and you will get some idea of the sacrifice Sir Pherozeshah Mehta is making and also of the extent to which the City of Bombay is beholden to him and has to be grateful to him for. It is this self-sacrifice, this devotion to duty, this spirit of patriotism, this love for the City of his birth that constitute Sir Pherozeshah Mehta's claim on the respect and admiration of his countrymen. It is all these that endear him to them, and in my opinion furnish the true cause of his popularity and account for the fact of the news of the honour conferred on Sir Pherozeshah Mehta by H. M. the King being everywhere received with the utmost satisfaction and without a discordant note from any quarter whatsoever.

Speaking of Sir Pherozeshah Mehta as a Corporator reminds us also of his career as a member of the Supreme Legislative Council and of the Council of H. E. the Governor of Bombay. The latter office Sir Pherozeshah Mehta has held off and on for about the last 20 years and regularly for upwards of the last 10. You will all join me in the expression of the hope that he may continue to belong to it for many a year to come doing, if it be possible, greater credit to himself and more useful service to the public. The wisdom and foresight displayed by our guest in both these assemblies has been remarkable and such as to shed lustre on any individual. His career in both may well be studied by those already in public life as well as those desirous of entering it. Endowed with great powers of independence and eloquence, Sir Pherozeshah has never abused his gifts to embarrass Government or to set up the rulers and the ruled one against the

other. He has refrained from putting forward before Government unreasonable demands for the sake of adding to the already existing, many difficulties of administration. He has never allowed himself to be the advocate of negative and carping criticism of Government measures or of opposing them for the sake of opposition. He has never been known to abuse the right of interpellation and to take up the time of the Council by irrelevant questions or questions of departmental detail. Just as Sir Pherozeshah Mehta at times has been an unsparing critic of the measures of Government, so also has he been generous in properly appreciating their motives. Occasions may be remembered in which he has supported the official view of things just as, availing himself to the full of the freedom of speech and right of debate, he has subjected it at other times to severe handling.

Gentlemen, I could say a good deal more that you would have no difficulty to endorse about our distinguished guest, but for the present I shall content myself with the observation that Sir Pherozeshah Mehta has throughout his life acted on the saying: 'Do noble deeds, not dream them all day long.' The purity of his motives, his singleness of purpose, his high standard of public morality, his extreme disinterestedness, his life-long public service remind me on the present occasion of the words of the author who says :—'Princes and Kings may confer honours or rather titles and names of honour, but it is a man's own action which must make him truly honourable. Every man's life is the herald's office from which he must derive and fetch that which must blazon him to the world, honour being but the reflection of a man's own actions showing bright in the face of all about him and from thence rebounding on himself.'

I now ask you, gentlemen, to join with me in congratulating Sir Pherozeshah Mehta on behalf of the Ripon Club for the honour that has been conferred upon him and in the expression of the hope that he may long be spared to enjoy it and to continue his career of public usefulness. I ask you to drink with honour the health of Sir Pherozeshah Mehta of whom I may well say: First amongst the Indian Bar; First amongst Indian Councillors, and First in the hearts of his countrymen.

APPENDIX M.

ELECTION AS PRESIDENT OF THE CORPORATION.

[*From the "Times of India" of April 7, 1905.*]

The ordinary monthly meeting of the members of the Bombay Municipal Corporation was held at the Municipal Offices yesterday afternoon.

On the motion of Sir Bhalchandra Krishna, Mr. James Macdonald was voted to the chair and said the first business before the Corporation was the election of the President for the ensuing year.

Sir Bhalchandra Krishna, in accordance with a notice of motion, proposed that the Hon. Sir Pherozeshah Merwanjee Mehta, M. A., K. C. I. E., etc., be appointed President of the Corporation for the year 1905-06. He said :—Mr. Chairman, I consider it a special privilege to have the honour to propose for occupying the presidential chair during the current year the name of a councillor who has for many years enjoyed our highest confidence, esteem and respect, and who has, from year to year, himself exercised the privilege of proposing other councillors to that high civic honour. As you are aware, three councillors other than the councillor I am proposing were aspirants this year for this office. But having regard to the forthcoming visit of their Royal Highnesses the Prince and Princess of Wales to India and anxious that our beloved city should offer its welcome to the Royal guests by the hands of her best and most distinguished representative and citizen, several of our councillors in a body made a pressing request to the Hon'ble Sir P. M. Mehta, the illustrious and worthy leader of the Corporation, to consent to be elected as our President, and he was good enough to comply with the request, though not without considerable reluctance. (Applause.) In proposing Sir Pherozeshah as President, it is hardly necessary for me in this hall to do anything more than merely to name him. To recount his services is to recount the history of this Corporation. Sir Pherozeshah has been connected with the Corporation from a time when several of us were in our teens and some of us were yet unborn. He took a prominent part in the stormy debates of the Justices, and in a paper on Municipal Reform, read before the Bombay Branch of the East India Association, he foreshadowed an elective constitution for the Corporation which it is not too much to say served as a basis for the legislation of 1872, and later on for that of 1888. He has already been twice our President, in 1884-85 and 1885-86. His previous presidentships have been marked by some notable events in

the history of this Corporation and his third Presidentship will, it may be expected, be no less memorable. His services in bringing into shape the present Municipal Act of 1888, can never be forgotten. His unique familiarity with the past history of the Corporation, his grasp of details, his mastery of the Act, his quick judgment and his strength of character make him an ideal president. During his Municipal career extending over nearly 35 years, he has taken the deepest interest and the most active and intelligent part in the Municipal government of this city, and many and varied are the questions which have engaged his earnest attention and which have been so far satisfactorily dealt with. The settlement of the police charges, the Government contribution in aid of primary education, the apportionment of plague charges, the question of the Corporation's proper share of the revenue derived from liquor and tobacco licenses, the defining of the powers of the Plague Committee, the proper drainage of the city and the distribution of the water supply, the purchase of the tramways, these and other questions too numerous to mention, have from time to time as they came up before the Corporation, been dealt with in a most masterly manner by the Hon'ble Sir Pherozeshah who has applied to the consideration of them, energy, wisdom, far-sightedness, legal acumen, and perseverance such as to command the admiration of all. This Corporation owes him a deep debt of gratitude for his disinterested and valuable services in the cause of local self-government, and I may mention without any fear of contradiction, that he has justly earned the high position of the leader of this Corporation by his perfect mastery of the facts and details of every important question, his persuasive and convincing eloquence and his readiness in finding out the true issues of every question, and guiding the debates of the Corporation. In his attendance at the meetings of the Corporation and its numerous committees he has been remarkably regular, which for a man of his profession means a considerable self-sacrifice. His work in the Corporation has, however, been to him a labour of love. It has moreover not been confined to what he has been able to do in the Corporation itself. For we all know that as the representative of the Corporation on the Local Legislative Council from 1893 he has always zealously guarded the interests of the city especially in connection with the Amendment Act and the passing of the City of Bombay Improvement Trust and the Police Acts. In my remarks to-day, gentlemen, my object has been to limit myself strictly to our friend's services to our Corporation only, and I have therefore not alluded to his eminent work as a member of the Supreme Legislative Council or in any other capacity. No Indian occupies a more commanding or a more universally trusted position in the country to-day than Sir Pherozeshah and all the great influence which he thus wields and all his great distinction, he has

freely and unreservedly placed at the disposal of this Corporation. His Majesty the King-Emperor was pleased last year to recognise his valuable services by conferring on him the Knighthood of the Most Eminent Order of the Indian Empire, an honour which this Corporation regarded as a signal distinction conferred on itself and for which it signified its appreciation and thankfulness in a becoming manner. Gentlemen, it is such a great man and distinguished colleague that I have the honour to propose as President of this Corporation for the current year. It means in one way a loss to us. When he is locked up in the chair he will not be able to join in our debates, and we shall thus be deprived of the guidance which as an ordinary member he has ever been ready to give. But this loss will doubtless be more than made up for by the elevated tone which our deliberations will receive under his presidentship. I have every hope that you will carry this proposition with acclamation. (Loud applause.)

Mr. Sassoon J. David, in seconding the proposition, said after what had fallen from Sir Bhalchandra Krishna he felt he had very little to say. Sir Pherozeshah had had a long and honourable connection with the Municipality, and the great and valuable services he had rendered to the city were very well known, and therefore it seemed superfluous to refer to them. It was very proper that Sir Pherozeshah, who had done so much for the Municipality, should be the President of the Corporation for the year and to have the honour of receiving on behalf of the Corporation their Royal Highnesses the Prince and Princess of Wales on the occasion of their visit to India. They all knew that Sir Pherozeshah had occupied the President's chair on two former occasions and it was acknowledged that he had done so with ability, and there was every reason to believe he would again occupy the chair with even greater fitness. He hoped the proposition would be carried with acclamation.

The Hon. Mr. Ibrahim Rahimtoola said he would add one word in support of the resolution that had been placed before them. It appeared to him that both the mover and seconder of the resolution had very fully referred to the excellent services Sir Pherozeshah had rendered to the city. He thought that every councillor was fully aware of the nature of those services and considered Sir Pherozeshah, in accepting the request of the councillors to preside over their meetings had placed them all under a deep obligation. It was not without some hesitation that Sir Pherozeshah had been requested to occupy the chair, because it was felt that the loss of the services which he had given to the Corporation as a member would be a loss to the city, but it was trusted that while he occupied the chair he would extend to them his help and guidance in the disposal of important questions that would come up for discussion. Mr. Ibrahim did not think that any further introduction was needed for them to accept

the proposition which had been placed before them with loud and prolonged cheers.

Dr. K. E. Dadachanji, in supporting the resolution, said that when the history of the Corporation came to be written, Sir Pherozeshah would be its central figure, for by his great ability and the tone he had introduced in municipal life he would stand out to posterity as the greatest man of his time. People might say that by appointing Sir Pherozeshah they were going to muzzle him ; if that was so, they were going to muzzle him and to show what a great man he was by keeping him at a distance for a whole year. (Laughter.)

Dr. N. H. Sukhia thought that he would be wanting in his duty if he did not say a few words. He said there might be differences of opinion in the municipal debates, but as the year had started afresh, he had expected briefness of speeches, whereas he found twenty-five minutes had been taken up in proposing the election of a president.

Mr. Jehangir B. Petit considered that by honouring Sir Pherozeshah the members would be honouring themselves. He had guided members of the Corporation in the methods and performance of their duties and now they were going to see him in a new phase altogether in which he would be able to teach them how to do their duty as a president. His great ability and coolness had brought him forward among the citizens of Bombay and had made a name that would lead people to say ' here is a true Indian.'

Dr. Jehangir Cursetjee described Sir Pherozeshah as one who had always been regarded as a respected leader.

Mr. D. E. Wacha alluded to the fact that Dick Whittington had thrice been elected Lord Mayor of London, and now Sir Pherozeshah was being elected ' Lord Mayor of Bombay' for the third time.

The resolution was then carried with acclamation.

Mr. James Macdonald said the resolution had been carried very unanimously and with prolonged acclamation and he had nothing to do but to welcome Sir Pherozeshah to the chair. (Applause.)

Sir Pherozeshah in taking the chair said he was sure they would allow him to say that he had been scarcely able to recognise himself for the last few minutes in the extremely ideal pictures which had been placed before them as the person whom they were going to elect their President. However, he was perfectly sure of one thing, and it was that he should be setting a very bad example to them for the rest of the year, if he were to make a lengthy speech in reply to the exceedingly kind observations which had fallen from the gentlemen who had proposed and supported his nomination. His friend, Sir Bhalchandra, was quite right when he said, and he confessed it, that it was with considerable hesitation that he had brought himself to undertake the task which they had thought fit to impose upon him. He could assure the Corporation he was extremely touched and was

very greatly indebted to them for the friendliness of the feeling, the kindly appreciation and the generous confidence which had always been extended to him by the members of the Corporation, past and present, and which, he believed, had led them to propose him as the person to preside over their deliberations during the ensuing year. He trusted and prayed that they would extend to him the same friendly feeling, appreciation and confidence in trying to discharge the duties which belonged to this high and honourable post; and working and co-operating in that spirit, he was perfectly sure, they would maintain the high and honourable traditions that had always belonged to this chair and to this Corporation. (Hear, hear.) He would only say one word more, and it was that every member had a right to expect at his hands the utmost and entire fairness and courtesy in the conduct of the chair, and he hoped that when he retired from this office they would be able to say that he had used his best endeavours to conduct his presidentship with entire fairness and courtesy. (Applause.)

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